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THE CAPITOL AT WASHINGTON

THE
AMERICAN CITIZEN
IN PENNSYLVANIA

THE GOVERNMENT OF THE STATE AND OF THE NATION

BY
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Plim. 5

PREFACE

The purpose of this work is to present to the pupils in the public schools in the Commonwealth some practical information as to the rights and duties which belong to American citizenship. The study of civics is now receiving increased attention in our schools, particularly since the school laws require that teachers shall have a fair knowledge of civil government, including State and local government. In view of this legislation, a text-book to meet the needs of the schools should treat the local and State government as at least of equal importance with that of the Nation. It has been said that many a youth has grown to manhood with so little appreciation of the Commonwealth in which he lives as to regard it simply as a geographical division. The study of the State government and of the National Government are of equal importance.

The student of civil government should begin with that which is near at hand and of immediate interest, and proceed to that which is distant and of remote concern. He should not begin with that rare and precious afterthought and flower of government, the Constitution of the United States, but with the material forms that are close at hand. In connection with the ordinary lessons in reading, the children should be made acquainted with words suggesting civic ideas, as citizen, soldier, officer, law, justice, country, state, city, and nation. Then, in elementary lessons, the children should gain general notions of local government and organization,

the duties and rights of citizens, suffrage and elections, and kindred topics. Then should come a study of the organization of the State,—the legislative, the executive, and the judicial powers; and taxation, corporations, education, etc. Then may come the study of the political, legislative, administrative, and judicial organization of the United States as shown in the Constitution.

Let the teacher endeavor to contribute to the elevation of the pupil's ideal of citizenship, and thus labor for the improvement of the quality of the citizen. The pupils should not only know something about the Government and their own relation to it as subjects and as sovereign-citizens, but, becoming filled with the spirit of good citizenship, should be led to the discipline and practice of the same. A boy, on his return from school at noon on election day, said to his father, "Papa, have you voted?" "No," said the father. "I did," responded the boy. To his surprise the father found that under the eye of the teacher an election had been held before the opening of school, and that after school the votes were to be counted, and the result announced. That was practical teaching. Similar devices may be used in illustrating many other points in practical civil government, and the primary ideas of government be developed from the very games of the children.

Much of the education which shapes a child for his duties as a man and a citizen is that which he gains from the influence of his home, and of the community in which he lives. The schools must do much more than enforce needed discipline, cultivate intellectual tastes, and instruct in the means for obtaining a livelihood. Manly and womanly honesty, generosity, virtue, and patriotism must be taught in every schoolroom in the land. Patriotism is the noblest

passion that animates man in his character as a citizen. We cannot hope to make radical changes in the lives and impulses of the multitudes that come to our land as a natural refuge from the tyranny of other countries; but the nature of our free institutions may be taught to the children, and thus the youth of the land may be trained and brought upward to intelligent thought and action in regard to patriotic citizenship. The theory upon which the public free school supported by the State rests is that it is absolutely necessary, in our system of popular government, that the voters should have intelligence enough to perform the requisite duty of voting. It is admitted that ability to read and write is essential to the exercise of citizenship in such a Government as ours. But if it is the duty of the State to give sufficient education to the voters to enable them to know for whom and for what they vote, then the State may logically go a step further and instruct them in the fundamental nature of their Government. There can be no knowledge more necessary to the voter than that of the real nature of the government he is called upon to help administer.

Intelligence is necessary somewhere in conducting any government; and a popular government resting upon universal suffrage certainly cannot be successful unless the voters are intelligent. But while people may inherit certain traditional notions of government, we cannot assume that anybody is born with a good working knowledge of the Constitution of the United States. Even if such knowledge were the birthright of the native-born, it cannot be assumed for the foreigner made a citizen, born and reared in conditions totally different from ours, nor for his children inheriting his ideas, nor for the millions of colored citizens in the South. The girls and boys in our public schools need elementary in-

struction in the nature of our complex Government, in order that they may gain fundamental conceptions of what our Government really is, and of their own relation thereto. Considering how much is at stake, the State cannot more profitably spend its money than by making young citizens intelligent about their own Government and their own country. Mrs. Browning's words in *Mother and Poet* ring true to the heart of the mother and teacher, and to the sacredness and grandeur of the Nation as she sings:—

“To teach them—It stings there!—I made them indeed
Speak plain the word country. I taught them, no doubt,
That a country 's a thing men should die for at need.”

The social value of education has received recent recognition through the idea that education is a preparation for citizenship. Individual and social welfare, happiness and righteousness, depend more largely than has ever before been acknowledged upon the relations existing between persons and classes in institutional life. This new aim requires that great attention be paid to the formation of character, social habits, altruistic and patriotic motives.

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CONTENTS

CHAPTER		PAGE
	Preface.....	5
I	Society: Rights: Government.....	11
II	The Keystone State.....	23
III	Early Governments in Pennsylvania.....	33
IV	Local Government.....	40
V	Townships and Township Officers.....	45
VI	Boroughs and Cities.....	55
VII	County Government.....	71
VIII	The State Government.....	82
IX	The Legislature.....	85
X	The Executive Department.....	97
XI	Other State Officers: State Boards.....	108
XII	The Judiciary (I).....	118
XIII	The Judiciary (II).....	125
XIV	Impeachment and Removal: Oath of Office..	138
XV	Suffrage and Elections.....	141
XVI	Parties and Nominations.....	158
XVII	Taxation	165
XVIII	Corporations.	175
XIX	Railroads and Canals.....	180
XX	Education: Historic Sketch.....	187
XXI	Education: The Schools To-day.....	192
XXII	The Development of the State Constitution..	212
XXIII	The Preamble: Declaration of Rights: Amend- ments.	217

CHAPTER		PAGE
XXIV	The State and the Nation.....	225
XXV	The National Legislative Power.....	229
XXVI	Powers of Congress.....	248
XXVII	Powers denied to Congress, and those denied to States.....	267
XXVIII	The Executive Power.....	274
XXIX	The Cabinet: Executive Departments.....	293
XXX	The Judicial Power.....	310
XXXI	Relations of the States.....	321
XXXII	The Amendments.....	336
XXXIII	Civics and History Coördinated.....	356
	The Constitution of Pennsylvania.....	i
	The Constitution of the United States.....	xxxiii
	List of Presidents and Vice Presidents.....	xlvi
	Chief Justices of the Supreme Court.....	xlvi
	Index.....	xlix

THE AMERICAN CITIZEN

CHAPTER I

SOCIETY: RIGHTS: GOVERNMENT

Knowledge of Government.—An essential factor in securing our own happiness and that of those with whom we are associated is a knowledge of the nature and operation of the government under which we live. The great object of government is the securing of justice among men. In order that men may live in peace together, there must be laws restraining them from acts of injustice and protecting them in the enjoyment of their rights. The function of government is to make and execute such laws. The importance of a knowledge of government becomes very great to a citizen of a republic because he has a part in choosing those who make and execute the laws, and thus to some extent may justly be held responsible for the government.

Society.—Man is by nature a social being; that is, he has no natural desire to live alone, but rather to join other men and to associate with them. The simplest and most original association of human beings is found in the family, and this is the foundation of all society. Human interests cannot be solitary; any one interest is related to all others. So families unite to form groups or tribes or communities. The reason why human beings unite to form groups is because of the

feeling that only by means of a common order of communication and protection can the best interests of all be secured. These common purposes and bonds of nearness and intercourse give a group or community the qualities of a public alliance or union. Such a group is called a social unit; and living in such a group or community constitutes a state of civil society.

Benefits of Civil Society.—One man can do very little alone, but when he unites his efforts with those of others he can accomplish great results. Yet each man must to a large extent have the care of himself. If every person were provided for from a common store, amassed by the labor of all, many, depending upon the labor of others, would not be industrious, and so the supplies would be decreased. The present arrangement obliges each man to provide for his own wants and those of his immediate family. Thus more is earned, and the general welfare is better promoted than if each labored directly for the benefit of all. But the direct benefits of a civil society are great and lasting. As for material advantages, we enjoy not only the fruit of our own labor, but, in large degree, that of the labors of others. Without civil society, man would remain in a state of ignorance, since each individual would be obliged to begin at the very beginning of all that has been done. But as society now is, each generation bequeaths an intellectual inheritance to its successor. Man is the heir of all the ages, and this makes progress possible. Separated from others, man would become fierce and savage; brought into the society of others, his manners soften, and his moral and religious nature develops.

Grades of Culture.—Man is the only animal that is able to pass all barriers and to live in nearly every part of the earth. He is able to do this because, in addition to his really superior

physical powers, he possesses high intelligence. He has overrun the earth and in a large measure subdued it, because he can think, plan, contrive, and reason. He makes other animals and the elements and forces of nature the servants of his will. In his higher stages of civil society, he no longer depends upon his own muscular strength nor upon that of animals; but by use of iron, steel, and other metals, he employs the greatest forces of nature.

The progress made by any group of men toward the attainment of permanent food supply, proper clothing, substantial dwellings, and power over the forces of nature furnishes a direct measure of their culture, and the grade or stage of society. Thus we consider as in the *savage* state all those who live chiefly by hunting and fishing, use rude implements, wear little clothing, and have no permanent dwellings. A grade higher, as in a state of *barbarism*, may be put those who use rude tools of metal, have domestic animals, weave cloth, and have houses; but who have not as yet learned the use of writing. This is the entering wedge of *civilization*, since writing is the means by which man transmits knowledge from one generation to another. Through the various grades of civilization man passes to the highest grade, in which the inventions and discoveries of mankind are in general placed at the service of all. Wherever these conditions prevail, the people are *enlightened*.

The Nation the Highest Community.—The highest community is the nation or state. It is a portion of mankind, united by firmly established organization, and limited to clearly defined country or territory. The human beings belonging to a nation are the people. The nation then, in this sense, is the body of inhabitants of the country, speaking the same language in general, and having common interests and

the same history. These people obey the same laws, and recognize the same power and authority.

The Government.—The object of the people in entering into civil society is to promote their mutual safety and happiness. For this purpose they agree to be governed by certain established rules and principles. These rules for regulating the social affairs of men are known as *laws*. Man has a moral nature, that is, he has a sense of right and wrong, or the power to acquire it. He is a moral agent, and is therefore responsible for his actions. In order to secure to all men their individual and collective rights, a certain organization must be created, and certain officials appointed who shall be recognized by all as having the authority and the right to issue commands that should be enforced. Such an organization, and the rules and principles by which the people are regulated and controlled, is called a *government*; and the society in which such an organization has been instituted is called a *state* or *body politic*. The persons who administer the government, that is, those who make the laws and carry them into effect, are called *the government*.

Forms of Government.—Government is, then, the collective powers that administer public authority. In general terms there are but two great forms of government under which all kinds may be classed; namely, monarchies and republics. In a *monarchy*, whether kingdom or empire, the monarch exercises power as a personal right, transmitted by succession. But the state may have acquired a fundamental law called a *constitution*, and this defines the form of government and the rights of subjects. When the authority of a monarch is not limited by a constitution, the government is an *absolute monarchy*. When his authority is defined by a constitution, the government is a *limited* or *constitutional mon-*

archy. The word republic means a public thing—the government of all. A *republic* is a government in which the power to enact and administer the laws is exercised by representatives, who are persons elected by the people to act for them. Our form of government in the United States is therefore a republic. Yet not only the election of the representatives, but the adoption of the constitution itself is an act of the people; therefore, since all power comes from the people, the form of government is also *democratic*,—that being the term applied to a government in which the power rests directly with the whole people. Our nation is properly called a *democratic republic*, or a *representative democracy*. A pure democracy could exist only in a country of very limited extent.

A form of government in which the power is in the hands of a select few is called an *aristocracy*. There are no governments of this form in existence to-day, although most national governments exhibit aristocratic tendencies. In nearly all European countries one house of the legislative branch is composed of members who hold their seats on account of noble birth, thus admitting the aristocratic element into the government.

The Republican Form Superior.—A republic is the only form of government consistent with the recognition of the people as the source of power. It is preferable to any form of monarchy because, through the exercise of the right of suffrage, the people control their own affairs instead of submitting blindly to one person who is able to place his own interests above those of the nation. The heir of a good king may be incapable of governing well; but in a republic, the President is selected from the most able men. In a republic men are free citizens. The power of the law, sustained by public opinion, is much better than the power of the sword,

sustained by the hand that wields it. The keynote of our government is expressed in the saying of Lincoln: "Ours is a government of the people, by the people, and for the people."

A Commonwealth.—The term *commonwealth* is often applied in a general sense to signify the state. The original word was *commonweal*, meaning strictly the common good or the common happiness. A state in which the people enjoy common rights and privileges is properly so called; hence the term *commonwealth* is sometimes used in speaking of the States of the Union. The term is used throughout the Constitution of Pennsylvania.

The Object of Government.—Aristotle says that a state or government is in a sense one of the works of nature, and that man is naturally a political animal. There have been, however, governments in the world for ages, but the truth in regard to the rights of man has not been long accepted. God has created in every individual certain inherent rights. All men are born with equal rights. To understand and to live this great truth is the privilege which the people of the United States hold by the law of the land. The primary object of all government is to secure to individuals and to nations their rights. Justice is therefore the fundamental idea of the state, and the great end of government.

The Rights of Man.—There are four great classes of rights and duties possessed by men as members of society. The government protects the individual in the exercise of these rights, and requires the performance of the equally important duties. The rights are classified as *individual*, *social*, *political*, and *religious* or *moral*.

Among the individual rights are the right to personal liberty, personal security, and the right to property. That which we have acquired by honest labor, or by other lawful

means, is rightfully our own. We have also the right to be secure from injury to the body, or person, or good name; also to the liberty of acting, moving, and speaking without unjust restraint, so long as we do not trespass upon the rights of others.

Social rights are those which are secured to a citizen through his relation as a member of the state or nation as a whole. The right of the child to receive an education is a social right; while upon the parent and the public is imposed the equal social duty to provide it. Society can exercise its undoubted right to see that laws are observed as to the preservation of the public health, cleanliness of streets, and the maintenance of public order. Should the rights and interests of an individual conflict with the needs of society, then the individual right yields to the higher right. This right of society, exercised through the state or a corporation in regard to property, is called the right of *eminent domain*.

Political rights are those which belong to the people in their political capacity. The right of the people to choose and establish for themselves a form of government, to adopt a constitution, and to elect persons to administer the laws, are examples of political rights. The right to vote at elections is a political right or privilege.

Political rights and duties are of such importance that powerful parties are organized to set forth their ideas, to give time and money for the support of these opinions, and to settle the questions which arise through the peaceful means of the elections or by the compulsion of the sword. Political rights and duties affect all our opinions concerning human laws.

Religious rights consist in the right of every individual to make known and maintain his religious opinions, and to worship God according to the dictates of his own con-

science. This is the right of conscience which is the voice of God in man. In the exercise of this right, however, a man may not abuse it by violating the rights of others, nor by disturbing the peace and order of society. Moral duties arise in connection with religious freedom. All good government tends to the preservation of the morals of the people.

Liberty, Civil and Religious.—Liberty is the privilege of being free to exercise our rights and to enjoy them. It is called civil liberty or religious liberty according to the kind of rights concerned. Thus, the free use and enjoyment of civil or political rights secured to us by the laws is called civil liberty. It implies freedom—that is, absence of physical or moral coercion. Civil liberty includes freedom of thought, of speech, and of the press; also freedom of locomotion, of assembly, and of the ballot. The freedom of religious opinion and worship is called religious liberty. The words right and liberty have not the same meaning. An individual may have rights which he is not at liberty to exercise.

Citizenship.—American citizenship is the state or condition of being vested with the rights and privileges of an American citizen. All men, women, and children born within the United States and subject to its jurisdiction, irrespective of age, sex, or condition, are presumptively citizens. Others may be admitted to citizenship through naturalization under general laws. Every citizen of the United States is also a citizen of the State in which he resides. Citizenship is hereditary; the children of citizens are citizens of the United States, even though they may have been born in a foreign country.

The people living in this country may be divided into two classes—*citizens* and *aliens*. The citizen is a member of the body politic, owes obedience to the government, has

the full protection of the laws, and has such rights of holding office and voting as the Constitution allows. However, not all citizens are *electors*; an elector is a citizen who has the right to vote.

An alien is a person who owes allegiance to a foreign country, but enjoys such rights as the country in which he resides sees fit to grant to him. Among such rights usually granted may be named the power to acquire and own land. Strictly speaking, an alien cannot exercise political rights; but some States in the Union permit aliens, after a short residence therein, and after declaring their intention to become citizens, to exercise the elective franchise. When an alien is thus allowed to reside in the State, to hold property, and to vote, the distinction between him and a citizen is not very clear.

Indians who still retain their tribal relations are not citizens; and they are therefore only in a qualified sense subject to the jurisdiction of the United States.

Naturalization.—An alien may become a citizen of the United States by naturalization. This makes him also a citizen of the State or Territory in which he resides, but it does not necessarily give him the right to vote. Naturalization is a Federal right, while the right to vote comes from the State and is a State gift. The chief requirements for naturalization are as follows: Five years' residence in the United States, and one year's residence in the State where the privilege is sought; two years' preliminary declaration of intention to become a citizen; evidence that the applicant has behaved as a man of good moral character, and is well disposed to the good order and happiness of the country; an oath to support the Constitution of the United States; the renouncing of allegiance to any foreign power, and of all

titles of nobility. By virtue of the naturalization of parents, all their children living in the United States and under twenty-one years of age become citizens. A minor who has resided in the United States three years immediately before attaining his majority, may, after becoming of age and after five years' residence, including the three years of his minority, become a citizen by taking oath that for two years it has been his intention to become such. The naturalization of Chinese, Japanese, and others of the Mongolian race-group is prohibited by law. The rights of citizenship are forfeited by naturalization in a foreign country, or by desertion from military or naval service. A naturalized citizen is ineligible to the Presidency.

Population: Residence.—The population of the country may be distinguished as citizens, or inhabitants, or residents. Citizens are all persons born or naturalized within the United States and subject to its jurisdiction. Collectively they constitute the people or Nation. Inhabitants are all those who reside permanently in the country; the term includes citizens and aliens. The term residents is broader still; it includes not only inhabitants, but all sojourners, such as travelers, tourists, and others.

A matter of great importance in relation to citizenship is the question of residence or domicile. A residence or domicile is the place where a person intends to reside permanently. In a political sense the term *residence* is applied to the act or fact of dwelling or abiding in a place for some continuance of time. Under such circumstances a person is said to gain a residence in that place. A person can have but one place of residence, and temporary absence does not change it. A change of location, with the intention of permanently dwelling elsewhere, removes residence from one

place to another. Residence regulates the exercise of certain political rights and privileges.

Students do not gain or lose a residence while attending school.

Patriotism.—Patriotism is the noblest passion that animates man in his capacity as a citizen. Love of country is natural, and has some of the qualities of an instinct, but is much greater than any mere instinct or passion, since it may become a living principle or motive leading to heroic action. The noblest motive is the public good. Not only should the citizen protect his country from invasion, but he should maintain its laws and institutions in vigor and purity. Thus patriotism becomes the noblest and sublimest of all public virtues. The patriotism which, as a mighty force, moves armies into the battle lines in times of the Nation's peril is not a mere instinct, but a conviction; not a mere impulse, but a determination. It is a principle with all the white heat of passion: loyalty to liberty, and devotion to country.

We should study the history of our country, become familiar with the Nation's institutions, and take an active interest in its affairs. Nor should the closer local form of pride in the records of the Commonwealth which we call our own State be left uncultivated. Every glorious fact in its history should be emphasized, and the names and acts of its great men held in loving remembrance.

QUESTIONS

(To be answered from the preceding text, from part of Chapter XXXIII, from the definitions at the back of the book, and from independent thought and reading.)

Why is civil society necessary to mankind?

Define civics. What is the necessity of government?

What division of governmental power was made in ancient times?

Name the most common kinds of government.

Name and define the two fundamental forms of government.

What is the object of government? Where does the government obtain its power?

Define law. What is a constitution?

What is a democracy? What is a republic? Why may we call the United States a representative democracy or a democratic republic?

What principles of our government are illustrated in an election? In a jury trial? In the support of the public schools by taxation?

What great social right has the child? What is the corresponding social duty of the parent?

Name the duty which corresponds to each of the rights of an American citizen.

What is a right? What is a duty? Name the different classes of civil rights, and define each.

What classes of people are citizens of the United States?

What is the right of suffrage? Is it a natural or a civil right?

Define civil liberty. Define citizenship. Distinguish between right and liberty.

What is the difference between a pure democracy and a representative democracy?

Why is a pure democracy necessarily limited to a small territory and a small number of people?

Define and discuss eminent domain.

Name some of our civic duties.

Distinguish between social and political rights. What civil rights does the State guarantee?

In the earlier stages of social development how was crime punished?

Give a brief résumé of the nature and duties of citizenship.

Distinguish between an alien and a citizen.

What is the difference between an elector and a citizen?

What rights may aliens exercise?

Are all citizens of the United States electors? Distinguish electors, inhabitants, residents, and citizens.

In a political sense, what is the meaning of the term residence?

When are the rights of citizenship forfeited?

What is the noblest passion that can animate the citizen?

CHAPTER II

THE KEYSTONE STATE

IMPORTANCE: BOUNDARIES: EARLY HISTORY

The Keystone State.—"Let what each man thinks of the state be written upon his brow" was one of Rome's famous inscriptions. The patriotic son of the grand old Commonwealth of Pennsylvania has no reason to blush when he thinks of the record of his State. Pennsylvania was a most potent factor in the adoption of the Constitution of the United States. Among the original States it stood with six free States to the north, and six slave-States to the south, a true political "Keystone" to the arch of the Union. Every foot of the Commonwealth is historic ground. What need to go to classic Greece to seek for spots sacred to liberty? The battles of Brandywine and Germantown were fought on its soil, and Valley Forge is within its limits. The graves at Gettysburg mark well the field on which, in one of the greatest battles of modern times, the armies of thirty-four States fought to decide the question of mankind's right to freedom.

Thus, when we realize the important place which the Commonwealth held in the Revolutionary War and in the Civil War, together with the part that its great men had in the establishment and government of the country, it certainly appears as the "Keystone State" in a much broader sense than that ordinarily indicated by the term.

In population and in wealth Pennsylvania is exceeded by

INDEPENDENCE HALL, PHILADELPHIA, IN 1776

New York alone. Of the other States, 42 have less than half the population or wealth of Pennsylvania, while 21 have less than one fifth of its population. Only three States approach it in importance. The area is nearly as great as that of England, and is one eightieth of that of the United States. The population by the census of 1910 is 7,665,111. Under the Apportionment Act of 1911 Pennsylvania is entitled to 38 Electoral votes.

Boundaries.—The State of Pennsylvania is bounded on the north by Lake Erie and New York; on the east by New York and New Jersey, from which it is separated by the Delaware River; on the south by Delaware, Maryland, and West Virginia; and on the west by West Virginia and Ohio. The State is nearly rectangular in outline. Its northern and southern boundaries are parallels of latitude 158 miles apart, broken only by the angle in Erie county, and the scallop in the southeastern corner caused by the Circle of Newcastle. The western boundary is a meridian line. The eastern boundary is the Delaware River, which forms along the border of the State two symmetrical zigzags alternately southeastward and southwestward. The extreme length of the State is 306 miles; the average length 286 miles; and the area 45,126 square miles. The State lies between latitude $39^{\circ} 43' N.$ and $42^{\circ} N.$, except that the triangle extends north to $42^{\circ} 15'$. In longitude it extends from $74^{\circ} 40' W.$ to $80^{\circ} 36' W.$ The boundaries as marked by monuments are only approximations to the true parallels and meridians. Pennsylvania has a shore line of 40 miles on Lake Erie.

Charter Boundaries.—The boundaries of Pennsylvania, as was the case with each of the original States, were fixed by royal charter. The king and his advisers were alike ignorant of the geography of America, and the charters as

granted made hopeless confusion of colonial boundaries, and led to disputes between the States afterwards. The charter of 1681 bounded the province granted to William Penn as follows:

“On the East by Delaware River, from twelve miles’ distance, Northwarde of New Castle towne unto the beginning of the three and fortieth degree of Northerne latitude, if the said River doth extend soe farre Northwards; but if the said River shall not extend soe farre Northward, then by the said River so farr as it doth extend, and from the head of the said River the Easterne Bounds are to bee determined by a Meridian Line, to bee drawne from the head of the said River unto the said three and fortieth degree; the said lands to extend Westwards five degrees in longitude, to bee computed from the said Eastern Bounds, and the said lands to bee bounded on the North by the beginning of the three and fortieth degree of Northerne latitude, and on the South by a Circle drawne at twelve miles distance from New Castle northwards and westwards unto the beginning of the fortieth degree of Northerne latitude; and then by a straight Line westwards, to the limit of longitude above mentioned.”

This grant is much more exact in its language than were many of the royal charters, still it contains several terms hard to understand. The circle mentioned does not cross at any point the thirty-ninth parallel—the beginning of the fortieth degree of latitude. This Circle of Newcastle gives Delaware the rounded northern boundary familiar to school-children, by limiting the boundary of this part of Pennsylvania by part of the circumference of a circle twenty-four miles in diameter, whose center is the steeple of the old courthouse at Newcastle, Delaware.

Penn enjoyed his new possession in peace but a short time. A dispute arose in regard to the meaning of the term "the beginning of the fortieth degree of northern latitude." Lord Baltimore claimed that the fortieth parallel was the northern limit of Maryland; while Penn claimed that the term referred to the thirty-ninth parallel. Had the claim urged by Lord Baltimore prevailed, Philadelphia would have been left outside the colony of Pennsylvania.

In his petition to the king, Penn describes the country as "a tract of land in America lying north of Maryland, on the east bounded by the Delaware river, on the west limited as Maryland is, and northward to extend as far as plantable."

It will suffice to say that through confusion in the charters, parts of Pennsylvania have been claimed by Virginia, Maryland, Connecticut, and Massachusetts. Only after long and bitter disputes were the various boundaries located.

If all the controversies between Pennsylvania and other States had been decided against our Commonwealth, it would have been reduced to an insignificant strip of land containing neither Philadelphia nor Pittsburg.

Mason and Dixon's Line.—The southern boundary line as determined by Mason and Dixon in 1763–67 is historic. In 1760 a final compromise with Maryland had been reached. At last the real dividing line was to be run; but, weary of waiting on local surveyors, who had taken three years to find the boundary between Delaware and Maryland, Lord Baltimore and the Penns secured the services of Charles Mason and Jeremiah Dixon, distinguished English surveyors, and in 1763 they entered on their task of running the boundaries.

They came over with a small army of rodmen, axmen, etc., verified the boundary between Delaware and Maryland,

and by 1767 had carried the famous Mason and Dixon Line through two hundred and forty-four miles of wilderness. The surveyors marked off the line with monuments of stone along the eastern part, and with mounds of earth and stone in the western part. The first stone, that is, the eastern stone of the east and west line, is marked with an M on two of its sides, and P on the other two. At every fifth mile a stone monument, known as a "Crown Stone," was set up bearing upon its north face the arms of Penn, and on the south the arms of Lord Baltimore. The intermediate miles were

THE WARRIOR BRANCH INDIAN TRAIL

marked with stones having P on one side and M on the other. As the two intrepid surveyors proceeded in their work on the line, the Indians, suspicious of this star-gazing folly, stopped them again and again. About twenty miles remained to be completed, but the Indian guides and interpreters, who had been engaged to quiet the Indians along the way, deserted, and the Great "Six Nations" entered strenuous objections to the invasion of their hunting grounds. At last Mason and Dixon were obliged to return, after reaching the Warrior branch Indian trail; and this remained the end of the line for many years. The line was completed in 1784 by David Rittenhouse.

No river, or mountain chain, or other natural feature

THE ARMS OF PENN

THE ARMS OF LORD BALTIMORE

marks this famous line which became more than the boundary between two States. It marked, during the early part of the nineteenth century, the boundary between two distinct ideas on the continent; the line separating two distinct industrial sections—the free States of the North and the slave States of the South.

The Founder of the Commonwealth.—William Penn, who in an age of persecution made religious liberty the corner stone of a frame of government, was the foremost man among the Quakers; and one of the most remarkable men of his time. His fame is as wide as the world; and he has gained abiding glory as the man who was able, with unarmed hands, to establish in the wilderness a mighty Commonwealth by the rules of justice and moderation. The way in which he did this deserves our notice.

Charles the Second Pays a Debt.—Actuated by a desire to found a colony where civil and religious liberty might be enjoyed, and the people might dwell together in peace, Penn petitioned King Charles II. to grant him the land now comprised within the limits of Pennsylvania in payment of a debt of £16,000 which the government owed to his father, Admiral Sir William Penn. The king gladly consented, and in 1681, Penn received a grant of the region stretching from the Delaware River westward through five degrees of longitude.

Named in Honor of Penn's Father.—Against the wishes of Penn, who desired to call the new province "Sylvania," the king named it Pennsylvania or "Penn's Woods." The charter gave title to more than 45,000 square miles of land, which was increased next year by purchasing from the Duke of York the "Three Counties upon the Delaware"—the present State of Delaware.

Treaty and Settlements.—At that time the present limits of the State were inhabited only by Indians, with a few Swedes and Dutch settled along the lower Delaware. Penn bought the land over again from the Indians, and made a treaty of peace with them which remained unbroken for more than fifty years. “We shall never forget the counsel he gave us,” said their spokesman at Conestoga in 1721.

The real settlement may be said to have been made in 1681 by the Quakers who came over in that year. The next year, Penn himself arrived, bringing with him a hundred colonists of his own faith to found Philadelphia, the city of “Brotherly Love.”

The First General Assembly.—Landing at Newcastle, in the territory purchased from the Duke of York, Penn received the submission of the settlers and assured them of his protection. About two months afterward he went to Upland, which he named Chester. On December 4, 1682, the first General Assembly ever held in Pennsylvania was called together at Chester; and William Penn, by the aid of the people, enacted the “Great Law” by which the new colony was to be governed. Pennsylvania, like all the colonies founded after 1660, was a proprietary colony. Penn was the owner of the land; from him the settlers obtained the right to occupy it and to build houses and make improvements; to him they paid their rents. But to this feudal principle was opposed Penn’s firm belief in the equality of men. Under the influence of this latter principle the colony of Pennsylvania became at last one of the truest examples of a thoroughly democratic government. The words of Penn ring true: “Government depends rather upon men than men upon government. Let men be good and the government cannot be bad.”

QUESTIONS

What was one of Rome's famous inscriptions? How does Pennsylvania rank among the States of the Union?

Why may Pennsylvania be fittingly called the Keystone State?

Give the boundaries of Pennsylvania.

What can you say concerning its charter boundaries?

Who was the founder of the colony? What treaty was made with the Indians?

Describe the Mason and Dixon Line. When was this line surveyed? When was it completed?

How did this line become more than a mere boundary between States?

How did Pennsylvania receive its name? What nickname has it?

Has Pennsylvania ever been part of another State? Was any other State ever a part of it?

What was the form of the early government of the colony?

What forms of government existed in this country before the present time? State the fundamental difference between the present form and the earlier forms.

Where was the first General Assembly ever held in Pennsylvania called together?

What is Penn's statement of the relation of men to government?

Tell when, where, and by whom the following States were first settled: Pennsylvania, New York, Maryland, Virginia.

CHAPTER III

EARLY GOVERNMENTS IN PENNSYLVANIA

Penn's Frame of Government.—The plan of government which Penn drew up for the control of his new colony was prepared in England before the first band of emigrants set out for the province under Captain William Markham, the cousin of the Proprietor. The spirit shown in the germ of the proposed government was largely republican in character, although the charter had given Penn great power in the province. Inscribed upon the walls of Independence Hall, side by side with the Declaration of Independence, are these words taken from the preface to the "Frame of Government" which Penn gave to the colonists in Pennsylvania:

"Any government is free to the people under it, whatever be the form, where the laws rule, and the people are a party to those laws; and more than this is tyranny, oligarchy, and confusion."

The words above given set forth a twofold foundation for government. The people were to make their own laws, and in return for this privilege give willing obedience to those laws. "For liberty without obedience is confusion, and obedience without liberty is slavery." Thus liberty and obedience were to be the foundation principles of that "holy experiment" in establishing a free colony by the light of the Golden Rule.

Outline of the "Frame."—In order to attract to his colony emigrants from the various countries, Penn caused the "Frame of Government" to be published. According to the provisions of the "Frame," the government was vested in the Governor and the freemen of the province. The freemen were to elect from their number the Provincial Council and the General Assembly. The Council was to consist of seventy-two members. The General Assembly was to consist of all the freemen during the first year, of two hundred the next year, and that number to be increased with the people up to five hundred. The Governor, or his deputy, was the presiding officer of the Council, and his vote had triple power.

Powers of the Council.—The powers of the Provincial Council under the direction of the Governor were executive, legislative, and judicial. Thus it was authorized: to originate bills; to execute the laws diligently; to provide for public peace and safety; to locate all cities, ports, and market towns, design all public buildings, and locate streets and highways; to inspect the public treasury, and punish misuse of the funds; to erect and order all public schools; to encourage and reward authors and inventors; and to erect the various courts of justice.

The General Assembly Had Small Power.—Although the purpose of the election of the General Assembly was to give the more full concurrence of the freemen to all laws prepared by the Governor and the higher representative body, the powers actually exercised by the General Assembly were small. The charter granted by Charles II. had clothed Penn with full powers of government, subject to the condition that the advice and consent of the freemen were necessary except in cases of emergency. The General Assembly, in the Frame

of Government proposed by Penn, was not able of itself to legislate, and no direct debate upon the bills was allowed. During the preparation of such bills by the Provincial Council, the members of the General Assembly might suggest to a committee of the Provincial Council any alteration or amendment; but when the bill was presented to the Assembly, all that the members of that body could show of power lay in the plain yea or nay of their votes. The Assembly could nominate a double number of persons to serve as sheriffs, justices of the peace, and coroners; and from these the Governor selected and commissioned those whom he would appoint.

Perfect Religious Freedom.—Foremost in the line of liberties granted by the Frame of Government must stand the provision made for perfect religious freedom. “All persons living in this province, who confess and acknowledge the one Almighty and Eternal God to be the Creator, Upholder, and Ruler of the world, and that hold themselves obliged, in conscience, to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship.”

The “Great Law.”—The Frame of Government as published by Penn was composed of twenty-four articles and forty laws. When Penn called together the General Assembly at the Swedish town of Upland, some amendments were made to the Frame of Government, and some additions made to the accompanying laws. In three days these early legislators, having completed the amendments, adopted the “Great Law” and adjourned.

Features of the “Great Law.”—The amended “Frame” set forth the following features: (1) Every man was free to

worship God in whatever manner his conscience demanded; (2) any man who was a member of a Christian church could hold office, and was eligible to the General Assembly; (3) all resident taxpayers had the right to vote; (4) the death penalty was inflicted for two crimes only,—murder and treason; (5) every colonist could demand trial by jury; (6) every prison was to be made a workshop and place of reformation. This last feature was an entirely new idea in prison management.

No child should be brought up in idleness, but all should learn some useful trade. The laws of the colony were to be taught to all children.

The Seed of a Nation.—The country around Philadelphia was very fertile, and the reports which the colonists sent back to England were very favorable. Colonists came to the new colony in great numbers, attracted by the reputation of Penn and by the promise of religious liberty. The new colony prospered in a very remarkable degree, and the emigrants were, as Penn had declared, “the seed of a nation.” When Penn returned to England in 1684, fifty townships had been settled, and a flourishing capital city established.

The “Charter of Privileges.”—After Penn’s return to England, grave disputes arose between the colonists and the Deputy Governor. The Council soon ceased to be representative in any large degree: since the members were appointed by the Proprietary, instead of being elected by the people as was originally intended. The General Assembly demanded greater powers, and refused to act under the old form of government. The colonists did not fulfill their pecuniary obligations to the Proprietor. When William and Mary came to the throne of England, Penn was sus-

pected of disloyalty; and in 1692 the control of the province was taken from him, Governor Fletcher of New York being appointed in his stead. Two years afterward Penn was restored to power, and to allay the discontent of the colonists, various plans of government were tried and rejected. Penn returned to the colony in 1699, and in 1701 granted the "Charter of Privileges," which remained the fundamental law of the land until the adoption of the first State Constitution in 1776.

Provisions of the Frame of 1701.—The "Charter of Privileges" was in reality a written constitution in which the powers of the freemen, already granted under the preceding "Frames," were greatly increased. It provided (1) that no person believing in one God should be molested on account of religion; but (2) only Christians could take part in the government; (3) property relations could be disturbed by legal process alone; (4) a General Assembly consisting of a single house should annually be elected by the freemen,—meaning the taxpayers; (5) this Assembly should have the rights of freeborn subjects of England, in so far as was conformable with their position as colonists; (6) the Proprietary should be represented by a Governor and Council possessing the right of veto; (7) freedom of conscience was not denied to Roman Catholics; (8) the constitution could be amended, except as to religious freedom, by the concurrence of the Governor and six sevenths of the members of the General Assembly.

Death of Penn: Controversies.—Penn returned to England in 1701. Misfortunes soon came to him and he became involved in debt. In 1712, while seeking to dispose of his control of Pennsylvania to the Crown, he was stricken with apoplexy and became incapable of business. He died in

1718, and left all of his affairs in a very unsettled condition. His sons succeeded to his interests, but cared little for the safety and peace of the colony. It would seem that their object was to get all they could out of it, and spend nothing upon it. The vast tracts of land owned by the Penns were untaxed; yet the colonists were obliged to defend at their own expense the entire colony, including these untaxed estates. Controversies arose. The Assembly refused to submit to such injustice, and contended that the rents were originally intended to meet the expenses of government. Franklin was sent to England to protest; and, after much labor, succeeded in so far at least that the Proprietors were no longer able to boast that their untaxed lands were nevertheless protected at the public cost. But the attempt to make Pennsylvania a royal colony failed. The Proprietorship stood until it was swept away by the Revolutionary War. In 1779 the entire claims of the Penn family were purchased by the State of Pennsylvania for \$650,000; the Legislature having voted this remuneration to the heirs of Penn in settlement of all claims, the money to be paid three years after peace was made with England. The sum eventually paid was \$570,000. In 1790, the British government voted a pension of £4,000 to the eldest male descendant of Penn's second wife in payment for the surrender of the lands. As late as 1884, this pension was commuted for the sum of £67,000.

QUESTIONS

What was the general plan of Penn's "Frame of Government" drawn up for the new colony?

What twofold foundation for government did the Frame set forth?

What were some of the provisions of the first Frame of Government?

Distinguish between the Council and the General Assembly.
Who composed the first Council?

Outline the powers of the Council. What three great departments of government were largely centered in the Provincial Council?

Give some of the principal features of the "Great Law."

What new idea in prison management was proposed?

What educational requirement gave dignity to manual labor?

What were the results of the new form of government established by Penn?

What was the "Charter of Privileges"?

What attempts were made to change the province to a royal colony?

What were the provisions of the Frame of 1701?

To what extent was religious freedom granted, and how was it made inviolate?

Did Penn make his province a free commonwealth in 1682 or in 1701?

How many legislative houses were there in the General Assembly of 1701?

When did Penn return to England? What controversies arose?

When did Penn die?

Who succeeded to his interests? When did the proprietorship cease? What was done in 1779? In 1790? In 1884?

CHAPTER IV

LOCAL GOVERNMENT

Local Units.—The State of Pennsylvania is divided into sixty-seven counties which elect officers to attend to the administration of the business of the county and of its courts. These counties are divided into townships, each of which elects officers to levy and collect taxes, to maintain the public schools and roads, and to prevent disorder and crime. The general term of the officers elected is four years. Communities may be separated from the township to form boroughs, and large boroughs may form cities. Counties and townships have no power to make laws for their own government, but are under the action of uniform State laws. Cities and boroughs are also subject to the general State laws, but through their councils and mayors or chief burgesses, may make minor laws for their own government and welfare. Such, in brief, is the State system of local government; but, in order to understand it thoroughly, attention should be paid to some of the points which characterize the system as administered in our own and in other States.

General Characteristics.—The types of local government differ widely in the several States of the Union, yet possess some general characteristics. Great freedom of action, and broad scope of function are given to local authority. The law is uniform, and derived by legislative enactment; but the power to execute is local. Each locality must see to it

that the State laws are carried out. Local officers look to State laws for authority, and State officers serve to unify the local governments. Thus local administration is practically *the* administration of the State. Each State has its own system of local divisions and authorities, created and controlled under its own laws. Three leading types of local government are at present to be found in the United States.

The Township Type.—The first type is characterized by its unit the town or township, and is found in the New England States. The settlers of that part of the country came from towns, and the character of the soil and the conditions of the new country and of life made it necessary that the people should dwell in towns. Along the seashore and on the banks of rivers they planted their little communities, each inclosed by a stockade for protection against the Indians. Each was surrounded by its common pastures and farming lands, managed by officers chosen for that purpose. Each settlement was obliged to be self-reliant and self-governing, and was, in fact, a miniature commonwealth controlling the property and persons of its members. Every year the inhabitants of such township came together in mass meeting to make laws for its government. As yet the county had no corporate existence. Afterwards these townships became united into counties; and the colony, and, afterwards the State, assumed superior authority through its Governor and Legislature. Yet the townships have held their position to this day as the true political units of New England, and the solid foundation of the structure of self-government.

The County Type.—The second type of local government is characterized by the larger unit, the county, and prevails in the Southern States. The men who settled in Virginia and the Carolinas were not accustomed to the local

self-government characteristic of the colonies planted in the colder climate of the north. They were often men from the upper classes of society, country gentlemen, accustomed to the government of the county or shire. They settled in a land where the Indians were comparatively peaceable, and there was therefore little need of union for protective purposes. The estates were large, the soil was fertile, and the climate too hot for white labor. Slaves were soon imported to cultivate the land. The landowners were enriched, and each became the center of a group of free dependents, as well as master of large numbers of slaves. When local divisions had to be created, large areas were necessarily embraced, and counties modeled upon the English shires were the result. The Southern county became a modified English shire with the towns left out; while local government in New England was made up of English towns with the shires left out. Afterwards, for judicial purposes, counties were formed in New England; but the towns kept most of their important functions. In the Southern States the counties were afterwards divided into police districts and election districts, but the county retained the full administrative power. The county form of government is less democratic and less stimulating and educative than that which prevails in the New England States.

The Mixed or Compromise System.—The third type of local government combines some of the features of the township system with some of the characteristics of the county system. It may be called the compromise or mixed system, and is found under a variety of forms in the Middle and Northwestern States. In the mixed system, the county is relatively more important than in the New England States; while the township is much more important than in the

Southern States. Two features, therefore, mark the system: one is the importance and power of the county; the other is the activity and political life of the township.

Our State Has a County-Township System.—Among the States possessing this mixed system we find our own Commonwealth. Pennsylvania has a composite county-township system in which the county has great importance and power, although the township must undoubtedly be regarded as the political unit of government. The counties are compact and comprehensive larger units in the formation of the State. The townships are, however, vigorous organisms, holding in check the county authority, of which they are very jealous, and giving to government that robust local energy and color which characterize the representative system in our country. This power lies in the traditions of government which the English and Germans alike brought with them from the banks of the Elbe and the Weser.

The laws of the Duke of York made the township the unit of division after the manner prevailing in the New England colonies, from which system they were copied. Penn made the county the unit of division and added the township, borough, and city afterward. Thus the Pennsylvania system became a combination of township and county government unknown elsewhere, or at least possessing many unique features. It sets forth in its various phases the theory of American government in the decentralization of power. If the work of government can be done by the town as well as by the county, it is undertaken by the town. If individual enterprise will fairly perform a certain work, then we prefer no governmental agency. If the duty to be performed lie between the State and the general government, then we intrust it to the State.

QUESTIONS

Name some of the local units in this Commonwealth.

In which States does the county perform most of the work of government?

Why is local government of great importance?

Describe the township type of local government. Where is it found? Describe the county type. Describe the county-township system as found in Pennsylvania.

What is said in the State constitution concerning the organization and powers of townships?

How does the local government in Pennsylvania differ from that found in the New England States? From that in the Southern States?

How may you distinguish State authority from Federal authority?

How many townships in this county?

What is the smallest civil unit considered in this book?

Give a general description of the mixed or compromise system of local government.

What are the advantages of local self-government over centralized government?

CHAPTER V

TOWNSHIPS AND TOWNSHIP OFFICERS

The Elemental Unit.—The elemental unit of civil government in Pennsylvania is the township, subordinated to the government of the county, State, and Nation. A citizen is thus subject to several grades of political authority or government. Affairs of greatest importance belong to the National Government; a different class of important matters pertain to the sphere of the State; while the local government is divided between the county and township in most cases.

Area: Population: Classes.—Townships vary in area and population, but both are usually small. The area is usually about 30 square miles, while the population varies from 29 (Cold Spring) to 17,671 (Lower Merion). The State, exclusive of cities and boroughs, is laid out into townships. Each is a creation of law, and a body corporate and politic. By a recent Act of the General Assembly, the townships of the State are divided into two classes. Those having a population of at least 300 to the square mile, as shown by the United States census, are designated townships of the first class; all others are townships of the second class. The form of government is practically the same in all townships of the same class, and is prescribed by the General Assembly.

Township Officers.—The laws of the Commonwealth provide for township officers as follows: Justices of the peace, constable, supervisors, overseers of the poor, assessors, tax

collector, auditors, school directors, and township clerk. For election purposes, the electors choose one judge of election and two inspectors; each inspector appoints one clerk.

The officers above named are those provided for in both classes of townships, with some exceptions made by the Act of 1899 erecting townships of the first class. The officers provided for in that Act are enumerated on page 52.

Qualifications and Election.—No person is eligible to any township office unless he is a voter in the township. Election occurs biennially on the municipal election day: the Tuesday next after the first Monday of November in each odd-numbered year. Unless the General Assembly provides otherwise, the terms of all township and election officers begin on the first Monday in December next after their election to office. The duties of certain of these officers are of such nature that the Legislature must be given power to adjust the time of entrance upon the performance of the same. (See *Schedule*, p. xxxii of Appendix.)

The Justice of the Peace.—The justice's court is of the simplest kind, and is the court of greatest antiquity. The officers of this township court are the justice of the peace and the constable. The justice of the peace is usually both judge and jury, but he may on occasion impanel a jury of six men. The principal duty of this officer, in so far as criminal matters are concerned, is to issue warrants for the arrest of persons suspected of crime, and to give preliminary hearings. For minor offenses he may impose a fine, and even a short term in jail; but for serious offenses, he binds the person over to the county courts for trial if the evidence is against the accused, releasing him on bail until the time of trial.

The final jurisdiction of this local court in civil matters is restricted to cases not involving more than \$5.33; but, sub-

ject to the right of appeal to the higher courts, the justice of the peace may exercise jurisdiction over cases not involving more than \$300. His decision is commonly final in cases not involving more than \$100.

Among other duties which may be performed by this officer are the administering of oaths, the taking of acknowledgments of deeds, the attesting of signatures on other documents, the issuing of legal writs, and the performing of the marriage ceremony.

Each township elects two justices (111),* and the term of office is six years. Commissions are issued by the Governor (111); but in some townships which have little business it is customary for only one of those elected to take out his commission. The compensation of the justice consists of fees.

The Constable.—The constable holds an office of great antiquity, and is largely responsible for the preservation of the peace of the community. He carries out the directions of the justice of the peace, and, as the peace officer of the township, has the right to arrest without a warrant if he himself sees the offense against the law. If he is unable to arrest an accused person on account of violence, or to subdue a riot, he may call upon the citizens to help him (*posse comitatus*). He is required to make a full report to the court as to the peace and conformity to law in his bailiwick.

The constable also serves notices and executes warrants and writs issued by the justice of the peace. He is the ministerial officer of the township. He executes search warrants, subpoenas witnesses, and sells goods that have been levied upon to satisfy debts. He is empowered to arrest vagrants and to confine them. Certain important duties as to elections

*Numbers such as these refer to sections of the State constitution as given on pages i-xxxii, near the end of this book.

are required of him. He must give public notice of an election, preserve order at the voting place, and be present in the voting room during the counting of the vote. He delivers certificates of election to township officers. His term of office is four years, and his pay consists of fees fixed by law.

The Supervisors.—The supervisors represent the township as a body corporate, may acquire and dispose of property, and be a party to suits at law. Their principal duty is to direct the repair and construction of township roads and bridges. In some counties they are called road commissioners. They levy the annual road tax, and see that it is collected. It is a common practice with many taxpayers to work out the road tax. Supervisors must see that guide posts are erected at the intersection of roads; and failure to comply with this provision subjects them to a fine not exceeding \$10.00 for each offense. The supervisors are authorized by law, at their option, to purchase a suitable lot of ground and to erect thereon a townhouse in which to hold elections, store road machinery, hold meetings of township officers, or use for other township purposes. A supervisor may exercise the duties of the constable under circumstances arising from the negligence, death, or absence of that official.

The law provides that two supervisors shall be elected biennially, but by direct vote the qualified electors in any township of the second class may decide to elect a greater number. The term of office is two years. The compensation is five per cent. commission for the collection of the road tax, and \$1.50 per day for the time actually devoted to the work on the roads or to other public business.

Overseers of the Poor.—In some counties the commissioners have not erected and equipped almshouses for the care of the poor; where this is the case, the township elects

overseers of the poor, who are responsible for the care of such persons. In some townships the supervisors are overseers of the poor. The paupers are furnished aid in their own homes, or other people are paid for taking care of them. The overseers fix the amount of the poor tax, and receive a small compensation from the poor fund. There are two overseers, elected for a term of two years.

The Assessor.—This township officer is elected for a term of four years. He makes a list of all taxpayers and values, or assesses, all the taxable property in the township. This list, with the valuations, is sent to the county commissioners, who at stated times become a board of appeals, thus giving an opportunity to the taxpayer to have correction made in the valuation of his property. By comparing the lists received, the commissioners are enabled to adjust the valuation throughout the county so that the assessments shall be equable. Voters who own no property are assessed for their profession or occupation. The assessor receives from the county commissioners a statement of the amount of money required from the township as its share of the county expenses. To this he adds the township expenses, and the whole amount is raised by taxation properly apportioned.

Under the school law making attendance compulsory, the assessor is required to make a careful and correct list of all children between the ages of eight and sixteen years within the district, and return the same to the county commissioners. He reports to the clerk of the orphans' court all births and deaths during the year.

The assessor prepares annually a list of all the persons in the township who are qualified to vote. Assessors are paid \$2.00 for each day spent in the duties of the office.

The Collector of Taxes.—This officer is elected for a

term of four years, and his duties are indicated by his title. The manner of the collection of taxes varies, however, in different townships. While the constitution restricts special legislation (52), many special laws of an earlier date than the present constitution are still in operation. In general, the duties of the tax collector are to receive the tax duplicates from the officers who make the levies, and to attend at a stated place, at the proper time, to receive taxes and issue receipts therefor. In some townships the collector receives all taxes—State, county, and township, as well as school tax. In some places school directors have their own tax collectors; and the county treasurer in some townships collects the county taxes. The tax collector receives as compensation a percentage of the money handled.

The Auditors.—There are three auditors in office at any time; the term is four years. These officials examine the accounts of the supervisors, overseers of the poor, school board, and all other officers who receive or expend township funds. They publish annually a report showing the receipts and expenditures. Copies of this report are filed with the court and with the township clerk. The salary of auditors is \$2.00 for each day spent in the transaction of official business.

The Township Clerk.—In early times, the duty of the town clerk was to keep “ye accurate recorde of what dothe happene within ye metes and boundes of ye towne.” Although social affairs would in all probability be much more orderly if a record were kept in every community at present, the office of township clerk has become comparatively unimportant. He now acts as secretary for the supervisors, and keeps a record of any stray animals that are reported to him. This office is in many cases left unfilled.

School Directors.—The school district is the unit of administration in the educational system. It is a body corporate, and may sue and be sued as such. A board of five directs a township,—fourth-class district,—and exercises its corporate powers. The officers of the board are the president, the secretary, and the treasurer. School directors are elected for a term of six years. Women are eligible to the office. School directors receive no salary. It is their duty to provide school facilities for all persons between the ages of six and twenty-one who desire to attend school. This involves levying school taxes, purchasing building sites, erecting and equipping school buildings, and arranging for the funds required in such transactions. The school tax rate cannot exceed 25 mills on the dollar of the assessed valuation of taxable property.

In the ordinary management of the schools the directors employ the teachers and fix the salaries; regulate the length of the term in excess of seven months; adopt and furnish the text-books; purchase other necessary supplies; establish courses of study directing what branches shall be taught besides those required by law; enforce attendance under the compulsory school law; and visit the schools.

The school directors of the whole county meet in convention to elect a county superintendent.

Election Districts and Officers.—According to the constitution, all elections must be by ballot, or by such other method as may be prescribed by law: provided, that secrecy in voting be preserved (136). In order that the voting may be done readily, a large number of polling places must be provided, and the election districts must necessarily be small. Townships and wards sometimes form such districts, but may be subdivided into several election districts

by the court of quarter sessions. Election officers are chosen for each voting precinct in the township. The constitution provides that the election board shall consist of a judge of election and two inspectors of election chosen annually by the citizens (146). Each inspector appoints one clerk. (See Chapter XV.) The compensation of election officers is \$3.50 for an election, and is paid out of the county treasury. The above account relates primarily to townships of the second class, to which nearly all of the townships in the State belong.

Officers in Townships of the First Class.—In townships of the first class the following officers are provided for by the Township Act of 1899, with terms as fixed by amendments of 1909:

(1) Five township commissioners to hold office for the term of two years. If the population of the township exceeds 5,000, an additional commissioner is to be elected for each 2,000 of population in excess of 5,000. No township commissioner shall receive any salary, or shall be eligible to any other township office.

(2) A township treasurer, for the term of four years. He cannot serve two terms in succession.

(3) A township assessor, for a term of four years.

(4) Three township auditors, for a term of four years.

Large townships are divided into election districts for the convenience of voters. In such cases each district elects an assistant assessor.

The whole number of commissioners shall be apportioned among the election districts of the township in proportion to the population. Residence in the district in which he is voted for is not a requisite of eligibility for a township commissioner.

The office of township supervisor is abolished in townships of the first class.

The county commissioners are charged with the duty of ascertaining, after each decennial census of the United States, what townships, if any, within the county satisfy the conditions set forth as constituting a township of the first class. They must issue a proclamation setting forth such designation, and publish it in two newspapers of the county.

The organization of the township of the first class has come about through the need of closer centralization in localities where the population of the township is 300 or more to the square mile. Decentralization of government as to local affairs is a characteristic feature of American polity, and is one of the greatest safeguards of liberty; but where the population is great, the local government must *exercise greater powers* secured to it by the State through the action of the Legislature.

QUESTIONS

What names are given to the smaller political divisions in Pennsylvania? What are the units of local government in this State? Which of these may be called the elemental unit?

Name the officers of a township of the second class, and state their qualifications, duties, and terms of office.

What is said in the State constitution concerning the organization and power of townships? How many townships in this county? Name the officers in a township of the first class. What is a township of the second class? When does the term of office of a township constable begin?

What is the difference between a policeman and a constable? What are the principal duties of a justice of the peace? How is the final jurisdiction of this local court restricted? What other

duties may the justice of the peace perform? What are the duties of the constable?

What officers represent the township as a body corporate? What are the duties of the overseers of the poor?

What are the duties of the assessors?

What is the triennial assessment? What duties has the assessor under the compulsory attendance school law?

Who collects the taxes? What are the duties of auditors? Of the township clerk?

What is the number of school directors in a township? What is an election district?

What compensation do election officers receive, and how is it paid?

Name the fiscal officers in a township of the first class. How has the organization of the township of the first class developed?

What is the great principle of American practice as to local affairs?

How is a vacancy in the office of justice of the peace filled?

What is the unit of the educational system of the State? What are the duties of the school directors?

CHAPTER VI

BOROUGHS AND CITIES

THE BOROUGH

The Borough.—When the population of a village becomes so large that its best interests demand a form of government with greater powers than those of the township, a separate local government is organized. A petition is presented to the court of quarter sessions through a majority of the voters, and notice thereof is published in a county newspaper. If the court approves, the borough is organized, and becomes distinct from the township in which it may be located. Until thus incorporated, a village can have no truly distinct or separate local government.

Borough Officers.—The officers of a borough are the chief burgess, the councilmen, tax collectors, assessor, treasurer, auditors, overseers of the poor, school directors, justice of the peace, constable, and board of health.

The duties of many of these officials are the same as those of the corresponding township officers. Boroughs have no supervisors.

The Chief Burgess.—The chief burgess is the executive officer of the borough, is elected for a term of four years, and is not eligible for the next succeeding term. He cannot hold any other borough office or appointment during his term of office, nor be a member of the town council, nor preside at its meetings. His duty is to approve and sign

ordinances and resolutions passed by the council, or to veto them if he does not approve them. A two-thirds vote of the council overrules his veto. He is *ex officio* a justice of the peace. The law provides that in the absence or disqualification of the burgess, the president of the borough council shall perform the duties of such burgess.

The Council.—In the expanded power of the borough the legislative or lawmaking power becomes prominent. In boroughs not divided into wards, the number of members in the town council is seven. The laws passed by the council are called ordinances. These relate to the general welfare of the people of the borough as to streets, crossings, water supply, sewers, lighting, police and fire service, care of the poor, abatement of nuisances, quarantine of cases of infectious and contagious diseases, public health in general, location and care of cemeteries, etc. The council determines the rate of taxation in the borough, and controls the expenditures. It examines all bills, and pays by orders on the treasurer. The council is presided over by a president elected from their number at the annual organization of council; and, in the absence of the president, a president *pro tempore* presides. A clerk is appointed who keeps a record of all the transactions of the council, and publishes its ordinances. The corporate powers of the borough are vested in the council, which acts in all suits to which the borough is a party.

In boroughs divided into wards, the court of quarter sessions fixes the number of councilmen to be elected in each ward as a separate election district. This number cannot exceed three, and not all are elected at the same time. Councilmen are elected for a term of four years, and receive no compensation for their services.

The Treasurer.—This officer is placed under bond for the faithful performance of his duties. He receives all taxes, fines, license money, and other borough funds, and pays out the money of the borough on the order of the council duly presented in writing.

The Assessors.—In making the valuation of property, the assessors of all the wards of a borough act as a board of assessors. They make the assessments of all taxation for borough, school district, and county purposes; and send a return thereof to the county commissioners, who act as a board of tax revision.

THE CITY

The City.—In densely populated districts of large areas, the centralization of humanity and human interests demands a government that is centralized and efficient beyond the degree of any borough government. Such a complex type of local government is municipal government, and the communities thus controlled are known as cities.

The present form of city governments shows that they have been much influenced by the form of State governments. In fact, the government of an American city is a reduced copy of the government of a State. The city has its own constitution or charter, its laws, its legislature, its executive, its judiciary, its treasury, and its police force.

Municipal government in Pennsylvania dates from the founding of Philadelphia in 1682. The charter given by Charles II. granted the power to incorporate boroughs and cities; viz., "To divide the said Countrey and Islands into Townes, Hundreds, and Counties, and to erect and incorporate Townes into Boroughs and Boroughs into Cities."

Classes of Cities.—The law classifying the cities of the Commonwealth divides them into three classes:

Cities containing a population of 1,000,000 or over constitute the first class.

Cities containing a population of 100,000 and under 1,000,000 constitute the second class.

Cities containing a population of under 100,000 constitute the third class.

At present all the cities of the State except three belong to the third class. Philadelphia is the only city of the first class; while Pittsburg and Scranton belong to the second class. Allegheny has been united with Pittsburg.

The State constitution (52) forbids special legislation. In order to comply with this provision, and secure at the same time laws suited to the different cities, it is necessary that they be classified. A law needed in a large city might be useless or harmful in a small city.

The City Charter.—According to the constitution (179), cities may be chartered whenever a majority of the electors of any town or borough having a population of at least 10,000 shall vote at any general election in favor of the same. The city charter is the fundamental law of the city. It outlines the mode of government, and enumerates officers, legislative bodies, etc. Charters are granted by the General Assembly, and all cities of the same class have the same charter.

Wards.—For convenience in organization and administration the city is divided into wards, and these again for election purposes into precincts or polling divisions. Wards differ in size and population, but are usually the unit of representation in the councils and various boards of the city.

City Officers.—The officers of a city of the third class are

the mayor, councilmen, aldermen, treasurer, controller, solicitor, school superintendent, chief of police, fire marshal, board of health, assessors, and some others who have the same duties as the corresponding officers in a borough. In cities of the first and second class the aldermen are called magistrates. In such cities a large part of the administrative business is transacted through executive departments.

The Mayor.—The chief executive officer of a city is the mayor. He is chosen by the electors to serve for a term of four years, and is not eligible for the next succeeding term. He must be at least twenty-five years old, and must have been a citizen and resident of the State for four years and of the city one year. The mayor is responsible for the good order and peace of the city, and has the authority of a justice of the peace under the laws of the Commonwealth. He is charged with the duty of suppressing all disorder and riot by means of the police force. In order to enable him to preserve public peace within the city, he has all the powers of a sheriff; and if he finds the means for suppressing mobs and riots insufficient, he may call upon the sheriff of the county for assistance. He prepares an annual message to councils setting forth the condition of the finances and other affairs of government, and recommending measures which he may deem proper for the improvement of the same. He calls special meetings of the councils whenever necessary. The mayor appoints nearly all the subordinate officers whose positions are created by ordinance, and in many cases can exercise the power of removal. All bills passed by the councils are submitted for his approval and signature. Should he veto a bill, it must be re-passed by a vote of two thirds of all the members of councils before it can become a law.

The Councils.—The city legislature consists of two coun-

cils—the select council and the common council. Each ward elects one member of the select council for four years, and two members of the common council for two years. One half of the members of select council are elected every two years. The members of councils receive no compensation for their services.

Except in number and extent, the powers and duties do not differ materially from those of the borough council. The subjects of legislation of the councils relate exclusively to local matters. Among the multitude of subjects concerning which ordinances may be enacted are the creation of subordinate offices, with regulation of appointments and removals; fixing salaries and amount of official bonds; appropriation of city funds; borrowing money, issuing bonds, and creation of a sinking fund; care of streets, sewers, sidewalks, and railroad crossings; establishment and regulation of the police; provision of lockups; regulation of markets, ferries, wharves, and water courses; creation of a fire department; inspection of buildings; requiring the numbering of houses; regulation of weights and measures; establishment of a department of charities; making of health regulations; and the establishment of hospitals and parks.

The City Treasurer.—This officer is elected by the people for a term of four years. His duties are similar to those of the borough treasurer. All moneys received by him are deposited in such banks and institutions as councils may determine. By virtue of his office, he is the collector of all the city, school, and poor taxes. On entrance upon his duties as treasurer, he takes also his oath of office as collector, and gives bond for the faithful performance of his duties. The tax duplicates in his office are at all times open to the proper inspection of taxpayers. He appoints and pays the deputy

tax collectors. The compensation or commission for collecting taxes is fixed by the authority levying the tax, but cannot be less than one per cent. on all taxes promptly paid, and five per cent. on all taxes paid him after the penalty has been incurred.

The City Controller.—The controller is elected by the qualified voters for a term of four years. His duties are to examine, audit, and settle all city accounts. His department attends to the general checking and auditing of the accounts and books of all the departments dealing with the finances of the city. He countersigns all warrants drawn upon the treasurer. His salary is determined by the councils.

The City Solicitor.—This officer is appointed by the councils in joint session. They determine his salary, and place in his charge all the legal business of the city government in general. He advises the city councils and officers concerning questions of law submitted by them. He represents the city and its officers in all suits to which they are parties. He must be learned in the law, and qualified to practice in the Supreme Court of the Commonwealth.

The Superintendent of Schools.—The law authorizes the school directors in all cities, boroughs, and townships of 5,000 or more inhabitants to elect their own school superintendent, who has the same powers as a county superintendent, and must have the same qualifications.

The City Judiciary.—In cities of the third class, justices of the peace are called aldermen. Each ward is entitled to elect one alderman, who shall have the powers and jurisdiction of a justice of the peace. He is commissioned by the Governor for a term of six years, and must have resided within the ward for one year next preceding his election. Appeals may be taken from the decision of the alderman's

court to the county court of common pleas. The work of the alderman is much greater than that of a justice of the peace in a borough or township, and the office is much more remunerative. The mayor is *ex officio* a justice of the peace, and his court having jurisdiction over minor criminal offenses is the most characteristic feature of the city judicial system. His civil jurisdiction deals only with violations of the city ordinances and the laws of the Commonwealth relating to cities. He can administer oaths, take acknowledgments of written instruments, and solemnize marriages. Important city cases belong to the jurisdiction of the county courts.

The City Constables: The Police.—The voters in each ward, in cities of the second and third classes, elect a properly qualified person for constable, to serve for four years. Policemen are *ex officio* constables of the city, and shall and may without warrant and upon view arrest and commit for hearing any persons guilty of disorderly conduct, or unlawful acts imperiling the personal security or endangering the lives of the citizens, or violating any of the city ordinances which impose fine or penalty. The mayor must exercise constant control and supervision over the police, and hear and determine all complaints against them in the discharge of their duties. He appoints the chief of police and the other officers.

Board of Health.—In any city of the third class councils may create a board of health consisting of five members, two of whom must be practicing physicians. The members are appointed, one annually, for a term of five years, by the mayor by advice and consent of the select council. The board issues licenses to plumbers, and attends to the general sanitation of the city.

The Fire Marshal.—A fire marshal may be appointed

by the mayor for a term of two years. His duties relate to the examination into the causes of fire, and means for prevention. The chief of the fire department, or the chief of police may be made fire marshal *ex officio*.

Water and Lighting Department.—Councils may also create a department dealing with the water supply and lighting of the city. It consists of three commissioners, elected one annually by the councils in joint session, and the term of office is three years. They make an annual report to the councils.

The City Engineer.—The councils elect, in joint session, a competent civil engineer to perform certain important duties. He has charge of the grading, repair, and opening of streets, and attends to such engineering matters as the city may undertake. A good city engineer may do much to render a city beautiful.

Board of Assessors.—The qualified electors of each city of the third class elect three persons, who must be resident voters and owners of real estate therein, to serve as city assessors for a term of four years. No two members of this board can be residents of the same ward. The assessors serve also as a board of revision and tax equalization.

Departments in Great Cities.—In great cities, like those of the first and second class, the practical work of administration is carried on by numerous departments, and there are many subordinate officers.

In Philadelphia, the mayor holds office for four years and is not eligible for the next succeeding term. He is the head of the executive branch of the government, which comprises four departments, namely: public safety, public works, supplies, and public health and charities. In general the chief officer of each department appoints his own subordi-

nates. The duties of the officials of the various departments are largely indicated by the titles. The department of public safety is subdivided into seven bureaus, namely: police, fire, electrical, city property, building inspection, boiler inspection, and correction. The department of public works has also seven bureaus, namely: gas, lighting, water, filtration, street cleaning, highways, and surveys. The department of supplies purchases all articles and personal property needed in the business of the city government, except books and other specialties for the libraries, museums, and city school system. The department of public health and charities attends to matters relating to public health, charities, almshouses, municipal hospitals and similar institutions under the control of the city. The mayor calls together the heads of the departments at stated times for advice and consultation upon the affairs of the city, and may require reports upon the matters under their control.

The other leading officials of Philadelphia are the controller, the treasurer, the solicitor, and the receiver of taxes. There are also several public commissions, having management and control of various special municipal activities.

Councils in Philadelphia.—Select council consists of as many members as there are wards (46 in 1909), and the members are elected biennially for a term of four years. Each ward sends one member to common council for every 2,000 taxable voters. Members of this branch of the councils are elected for a term of two years.

Magistrates' Courts.—The State constitution abolishes the office of alderman in Philadelphia (112). It provides that there shall be established for each 30,000 inhabitants one court of police and civil causes with jurisdiction not exceeding \$100. Such courts shall be held by magistrates

elected on general ticket at the municipal election for a term of six years by the qualified voters. They shall be paid a fixed salary by the county, and shall exercise such civil and criminal jurisdiction as has been hitherto exercised by aldermen.

Constables in Philadelphia.—Each ward of the city elects, in general, two constables to serve for six years. But the 21st, 22d, 23d, and 24th wards elect by separate districts as provided by law.

The Public Schools of Philadelphia.—Under the New Code the public schools of this city are now a part of the general school system of the State. The control of the city system is vested in a board of public education consisting of fifteen members appointed by the judges of the courts of common pleas of the county. There are also local boards of school visitors elected for each ward of the city. A superintendent and six assistant superintendents are elected by the board of education. The tax levy for the support and maintenance of the schools cannot be less than five nor more than six mills upon the assessed valuation of the real estate of the city.

Cities of the Second Class.—Only two of our cities are at present entitled to this rank, Pittsburg and Scranton. An Act of Assembly of 1901 extends the so-called Federal plan to cities of this class. The new charter separates the executive and legislative departments as is the case in the State and National governments. The executive power is vested in the mayor, who is assisted by the heads of the several departments. He is elected for a term of four years, but is not eligible for the next succeeding term. He must be at least twenty-five years of age, and must have been a citizen and resident of the State for five years, and an inhabitant of the

city for five years next before his election. His powers are extensive, and he may remove from office any head of department, director, or other officer whom he has appointed, transmitting to the city council his reasons for so doing. He is responsible for the good order and efficient government of the city, executing and enforcing the ordinances of the city and the laws of the State. It is his duty to communicate to council, at least once a year, a statement of the finances and general condition of the affairs of the city; to recommend by written message to council such legislation as he may think expedient; to call special meetings of council whenever public necessity may require them. He may also, as often as he may think proper, appoint three competent persons to examine, without notice, the accounts of any department or officer of the city. The mayor approves or disapproves resolutions and ordinances passed by council. A three-fifths vote of all members in the legislative branch is necessary in order that any legislation may be repassed over his veto, and the same is true in regard to any item in any appropriation bill of which he may disapprove.

The executive departments are nine in number, as follows: public safety, public works, collector of delinquent taxes, assessors, city treasurer, city controller, law, charities and correction, and sinking fund commission. The departments of public safety and public works have each a head official called the director. For convenience in operation these larger departments are divided into several bureaus whose names sufficiently indicate their several spheres. These divisions in the individual cities differ somewhat, but are alike in most respects. Thus, in Pittsburg, the department of public safety has the following bureaus:—police, detectives, fire, electricity, health, and building inspection. In the im-

portant department of public works we find the following bureaus:—construction, surveys, highways and sewers, city property, water, water rents, parks, light, and deed registry.

The city solicitor, collector of delinquent taxes, sinking fund commission, and heads of the various departments are appointed by the mayor by and with the advice and consent of the council.

The board of assessors and city controller are chosen by the vote of the people at the regular city elections. It is essential that these officials should be independent of both mayor and council, and responsible alone to the people.

By the new charter bill for cities of the second class the legislative power is vested in a council of nine members for Pittsburg at \$6,500 a year each, and five for Scranton at \$2,500 a year each. Councilmen are elected at large, and enter office on the first Monday of January. The powers of council are extensive. In case the office of mayor becomes vacant in the last year of the term, the council may fill the vacancy. During a vacancy the president of council acts as mayor. No contracts for the city can be entered into until the council passes the necessary ordinances.

The police power for taking information, making arrests, and preserving the peace is vested in the mayor and five police magistrates, not all of the same political party, to be appointed by the mayor, subject to the approval of the council. The term of office of such magistrates is during good behavior, and until a successor shall be appointed and approved. They serve in such districts as are designated by ordinance, and receive an annual salary fixed by the council.

Corporate Powers.—The corporate powers of all cities are set forth in the general charters granted by the General Assembly to each particular class. The powers enumerated

in the charter for cities of the second class embrace many common to all cities. Such cities have perpetual succession, may sue and be sued, purchase and hold property, lease, sell, and convey property, make contracts, have and use a corporate seal, and do all other acts necessary to the exercise of their corporate powers. In relation to the enactment of ordinances, the charter for cities of the second class sets forth these powers under forty-three heads. These will well repay careful study in order that the difficulties of municipal government may be understood.

Vital Problems in Cities.—The most vital of the great problems in regard to cities is how best to govern such large gatherings of people. Important questions are constantly arising in municipalities, such as:—how to control the corporations that have acquired franchises; the letting and supervision of contracts; the proper care for the criminal and needy classes, constantly increasing in such cities; how to manage the educational interests for the benefit of all; and especially, how to prevent the control of the municipality by political bosses, spoilsmen, and rings. Such questions require the constant exercise of care and study by the best men, and eternal vigilance to settle them and to keep them settled. The charters are the efforts of Pennsylvania to aid its great cities in the solution of such problems.

The forces that attack and pervert the republican form of government are very numerous in cities, and the defensive forces are not always well placed for resistance. The State, by legislative enactments and through certain restrictions embodied in its constitution (180–181), seeks to diminish the evils which appear wherever a large population is densely aggregated (157).

QUESTIONS

Describe the organization of the borough. Name the officers and state briefly the duties of each. What judicial functions does the chief burgess perform by virtue of his office?

How many members in a borough council? What name is given to the laws passed by a council? Wherein are the corporate powers of a borough vested?

Is there a local board of health in this borough? What is it doing for the public health?

What is a city? Distinguish between a borough and a city.

Specify the classes into which the cities of this Commonwealth are by law divided.

Name the officers of the city government. What are their respective duties?

What is the title of the chief executive officer of a city? How is he chosen? What are his duties?

What is the length of the mayor's term of office?

How do justices of the peace and police magistrates receive their offices?

What is the title of the legislative body of a city? Of how many branches is it composed?

How is a city governed? How is the mayor chosen? What are his duties and functions?

What are the duties of the city council? How are the members chosen? What is the title of the highest executive officer of a city?

What does a city do in management of the criminal classes? Describe the municipal courts.

Why are special city courts necessary or desirable?

How is a city divided for purposes of organization and administration?

What provision does the city make for recreation?

Describe the public school system in cities.

What are the functions of the fire department?

What are the functions of the police department? What special need does it meet? State its form and organization.

Upon what grounds would you justify an ordinance forbidding the building of wooden houses in the center of a city?

How is a pure and adequate water supply obtained?

Describe the form, organization, and activities of the health department.

What care is taken of the morals of the community?

How are the streets of a city cleaned?

What constitutes the city judiciary?

How does the city respond to the need for protection of life and property?

How does the city provide for the needs of transportation and communication?

In what way have cities affected the advance of democracy?

Name a few of the influences which tend to destroy the political morality of a city.

What does Mayor Guthrie set forth as "the city beautiful"?

What are some of the problems and dangers menacing great cities? How may the well-being of cities be secured?

What agencies may work for the improvement of the government of a city?

Where are the corporate powers of cities set forth?

What is a city charter? Who are *ex officio* constables of the city?

Compare briefly the governments of a borough, a small city, and a large city.

Name some of the subjects concerning which ordinances may be enacted. Name two ways in which a proposed ordinance may fail to "pass."

How can city officers be removed from office if necessary to the public interest? How are vacancies filled?

What regulations are made to prevent fires? What provisions are made for extinguishing them?

How many public parks are there in your city? What can you do to make yours a model city—the "city beautiful"?

CHAPTER VII

COUNTY GOVERNMENT

Number and Area of Counties.—The State is divided into sixty-seven counties varying in area from Montour with 130 square miles, to Lycoming with 1,195 square miles. In population they range from Cameron with 7,644, to Philadelphia with 1,549,008 inhabitants. The three original counties, Chester, Philadelphia, and Bucks, were organized in 1682. The youngest county is Lackawanna, organized in 1878.

County Seats.—Each county has a town as its seat of local government. At this place, known as the county seat, are erected the court house and offices for the several county officers. This town stands in the same relation to the county that the capital city does to the State. Certain officers are required to have their offices in the county seat (175).

The constitution specifies (171) that no new county shall be established which shall reduce any county to less than 400 square miles, or to less than 20,000 inhabitants; nor shall any county be formed of less area or containing a less population; nor shall any of its lines pass within ten miles of the county seat of any county proposed to be divided. The ten miles must be measured from the borough or city limits, not from the courthouse.

County Officers.—In the county we see a distinct tendency toward the threefold division of sovereign power that

the Anglo-Saxon race insists shall pervade all government, namely, the legislative, the executive, and the judicial functions.

The officers of the county (172) are:—commissioners, sheriff, prothonotary, clerk of the courts, register of wills, recorder of deeds, clerk of the orphans' court, district attorney, treasurer, auditors or controller, coroner, solicitor, mercantile appraiser, surveyor, county superintendent of schools, directors of the poor, jury commissioners, county judge; and in some counties, associate judges and prison inspectors.

Who may be County Officers.—In order to be eligible to a county office (174), a person must have been a citizen and an inhabitant of the county one year next before his election. County officers are chosen (173) at the municipal election, and hold office for four years.

Salaries.—In counties having a population of less than 150,000 inhabitants, the salary of each officer consists of fees fixed by law (176). In the other counties, the fees are paid into the State treasury or into the county treasury as the law may direct, and a specified salary is paid. In no case can the salary be greater than the amount of fees collected (176). The law fixes several grades of salaries according to the population of the county.

The Commissioners.—The officers who conduct the general county business are the commissioners, and they are vested with all the powers which the county possesses as a body corporate and politic. Among these are the power to acquire, hold, and dispose of property; to enter into contracts; to be a party to suits at law. The commissioners levy the county taxes; provide for the erection, repair, and furnishing of the courthouse, jail, and other

official buildings; construct and keep in repair roads and bridges which in cost and importance pass beyond the sphere of the township officers. In order to accomplish such purposes, they may borrow money on the credit of the county, and issue bonds for the same. They are required to set forth annually an account of the receipts and expenditures. If new public buildings are required, the commissioners must obtain the approval of two successive grand juries and of the court of quarter sessions before the buildings can be erected. The commissioners meet as a board to transact the business of the county, and two are necessary to the taking of any action. In addition to the duties already enumerated, the commissioners perform important duties in connection with elections. They provide voting rooms, voting booths, ballots, cards of instruction, lists of voters, etc.

Commissioners are elected in each county every fourth year; and in order to secure representation on the board for more than one political party, no elector is allowed to vote for more than two such candidates at the same time (178).

Any casual vacancy in the office of county commissioner is filled by the court of common pleas of the county in which the vacancy occurs.

The Sheriff.—The sheriff is the executive officer of the county and of its courts. He is the conservator of the public peace, and to that end he has the power to make arrests. He may call to his aid any citizens of the county, thus forming what is known in law as the *posse comitatus*. A citizen cannot lawfully refuse to aid him in making an arrest. In order to quell riots and disturbances, he may call upon the Governor for assistance. When a man is arrested for crime, it is the State which arrests him by the hand of the sheriff, its agent in the county. In this sense the sheriff becomes a

State officer, although he cannot make arrests or seize property beyond his own county. He is the arm of the law for that county, however, and conditions might arise under which the aid of the President and Nation might be invoked. As for the force that the sheriff may draw upon, if necessary, for the suppression of disorder in a single locality, it is practically unlimited and irresistible. It rises from the *posse comitatus* or "power of the county," to the State militia, or even to the full power of the regular army.

The sheriff is the ministerial officer of the county courts, and serves all legal processes issuing therefrom. He has charge of the county jail, and is required to receive and safely keep all persons duly committed to his custody until they are lawfully discharged. He preserves order at the sittings of the county court, and carries out the decisions therein rendered. Under proper warrant from the Governor, he executes criminals condemned to death penalty. If a taxpayer refuses to pay his taxes on real estate after assessment and demand by the proper officers, the sheriff may seize the property and expose it for sale, and deduct taxes and legal expenses from the proceeds. The sheriff also sells property for debt, when judgment has been given by court and execution issued therefrom. He has charge of the jury wheel, and assists in drawing the juries. He summons witnesses and jurors. By means of advertisements in newspapers and by posted notices, he makes proclamation of general elections.

The sheriff cannot serve two successive terms. Since the nature of his office requires that he should deal with large sums of money, he is placed under heavy bonds, varying according to the population of the county. His salary is usually the largest paid to county officers.

The Prothonotary.—This county officer is the clerk of the court of common pleas—the civil court. He is the custodian of the records of the court, and all judgments and mechanics' liens are recorded by him. The prothonotary has charge of the seal of the court, and affixes it to all writs, processes, and documents that require it. He makes an annual report to the secretary of the Commonwealth, showing the number and nature of criminal cases tried, the acquittals and convictions. He administers the oaths and affirmations to jurors, witnesses, and others in conducting the business of his office. He keeps the register of physicians, and the record of all naturalizations. The returns of city, county, State, and National elections are made to him and filed in his office. He makes a certified copy of the election returns, except that of the city, and transmits it to the secretary of the Commonwealth.

The Clerk of the Courts.—This officer is usually clerk of the court of quarter sessions and the court of oyer and terminer—the criminal courts. He attends all sessions of the courts, and makes a detailed record of the proceedings. He calls before the court the jurors and witnesses, and administers the prescribed oaths. The business of the court of quarter sessions, relating to the opening of streets and roads and the granting of liquor licenses, is in his charge. The returns of township and borough elections are filed in his office, and certificates of election are issued to successful candidates, except justices and aldermen, who are commissioned by the Governor.

Register of Wills.—This official records all wills when they are probated, that is, proven to be the lawful acts of the deceased persons who are asserted to have made them. The settlement of an estate is under the supervision of the or-

phans' court. The register of wills appoints administrators on the estates of persons who have died intestate, that is, without leaving wills. Executors and administrators consult him in regard to the performance of their duties, and are required to report to him the final settlements of estates.

Recorder of Deeds.—One of the most important officials in his relation to the people is the recorder of deeds. All papers used in making transfers of real property, or in placing liens or mortgages upon it, the law requires to be recorded in the office of the recorder of deeds. Such papers are called deeds, mortgages, liens, contracts, and partnership agreements according to their nature, and are often of the greatest importance in determining property rights. The time of recording the papers is so important that each paper is marked with the exact day of presentation. Mortgages are even marked with the exact hour of presentation, since claims of right often rank according to their priority.

Clerk of the Orphans' Court.—The duties of this officer are indicated by his title. In most counties the office is joined with that of the register of wills or the clerk of the courts. Originally, all the courts sitting in the same county had always the same clerk. In many counties the offices of register of wills and recorder of deeds are filled by the same person. In some of the smaller counties, all the clerical duties are performed by one man as prothonotary, clerk of the courts, clerk of the orphans' court, register of wills, and recorder of deeds.

District Attorney.—The agent of the State in bringing persons accused of crimes to trial is the district attorney. He prepares the indictments and submits them to the grand jury, together with the evidence to substantiate the charges.

If a "true bill" is found by the grand jury, the district attorney becomes the prosecuting officer when the trial takes place. No person is eligible to this office unless he has been admitted to practice as an attorney in the courts of some county within the Commonwealth for at least two years preceding his election.

The County Treasurer.—This officer receives all State and county taxes, as well as fines and license fees. In some counties he is tax collector; in others he receives the proceeds from township tax collectors of all taxes levied for county and State purposes. He pays the State tax and other State moneys over to the State treasurer. He disburses the county funds upon warrants drawn by the county commissioners or other officers designated by law. His accounts are open to the inspection of the auditors or controller, and he must make regular financial reports to the county commissioners. The financial records of the county are preserved in his office. He cannot have two successive terms, and is under bonds for the faithful performance of his duties. In case of a vacancy in the office of county treasurer, the commissioners have power to appoint a suitable person.

The Auditors.—These officers serve as guards over the treasury and every office in which public funds are handled, since accounts are kept in duplicate by individual departments. The auditors adjust the accounts of the treasurer, sheriff, commissioners, and every other officer who handles county funds. They report regularly to the State auditor the condition of the county finances. There are three auditors elected in a county at the same time, but no elector can vote for more than two of them (178). A vacancy in the office is filled by the court of common pleas.

In counties having 150,000 inhabitants or over, the powers of the auditors are vested in a county controller.

The Mercantile Appraiser.—This official is appointed annually by the county commissioners. He investigates the amount of sales made by dealers in merchandise, and classifies such dealers with reference to business licenses. These licenses are a special form of State tax. He receives a fee for each license issued. In Philadelphia, the appraisers are appointed by the auditor-general and the city treasurer (72).

The Coroner.—This officer holds a formal investigation over the body of any person who is suspected of having died by violence, or who has died in prison. Such proceeding is called an inquest. He summons a jury of six persons to assist him in his findings. His services are of great importance to society, both in bringing murderers to punishment and in protecting the innocent from accusation. In the absence of the coroner, the justice of the peace may hold an inquest. If the office of sheriff becomes vacant, the coroner performs the duties of that office until the Governor makes an appointment.

The County Solicitor.—The commissioners appoint the county solicitor, who is the legal adviser of the county officers. He is empowered to act as counsel for the county in all civil suits to which it is a party.

County Surveyor.—This office is of small importance now as compared with former usefulness when the State owned large tracts of land, and the sales required the making of surveys. The principal duties of the surveyor now relate to the demarkation of boundary lines disputed in the courts. His services also secure accuracy and skill in the construction of roads and bridges. He issues maps of the county, and makes plots of the various surveys.

The Superintendent of Public Schools.—As his title im-

plies, this officer has general supervision of the public schools of the county. He examines applicants for certificates of qualification to teach; visits all the schools annually, if possible; sees that the subjects specified by law are taught according to approved methods; advises and directs the teachers; holds an annual institute for the teachers of the county; and makes an annual report as well as monthly reports to the State superintendent of public instruction.

The county superintendent may grant two kinds of certificates: the provisional and the professional. The former is good for one year only; the latter for the unexpired remainder of the superintendent's term, and one year thereafter. Certain other duties, concerning the granting of permanent certificates and the examination of candidates for graduation at normal schools, pertain to his office under the direction of the State superintendent.

The county superintendent must have superior qualifications of physical endurance, moral character, scholarship, and skill in his profession. He takes oath to perform faithfully the duties of his office. The minimum salary paid is fixed by law at \$1,500, and the maximum to be paid by the State at \$2,000. The size of the county, the average length of the school term, and the number of schools determine the varying salaries between these limits. Any amount greater than the maximum stated above may be agreed upon by the school directors in the convention at which the superintendent is chosen; yet the excess in salary is not paid by the State, but is deducted from the county's share of the State appropriation.

Women are by the constitution made eligible to the office of superintendent of schools (166).

Directors of the Poor.—In those counties in which the

commissioners have erected and furnished almshouses, three directors are elected to take care of and provide for the poor of the county with money obtained by taxation. In many counties the relief of paupers is still left in the hands of the township and city officers.

Inspectors of Prisons.—In nine counties, the courts or county commissioners appoint prison inspectors who serve for one year. They appoint the officials of the prison, and receive and pay out the funds used in carrying on the institution.

Jury Commissioners.—These officers, in connection with one of the judges, select from the qualified electors of the county a certain number of persons to serve as jurors in cases brought before the courts for trial during the year. There are two jury commissioners, and they cannot serve more than two terms in succession. The method of drawing juries is described under the chapters on the Judiciary. The law provides that two sober, intelligent, and judicious persons shall be chosen in each county to serve as jury commissioners for a period of four years. In order to secure representation on the board for more than one political party or faction, no elector can vote for more than one person to serve as jury commissioner. The two persons having the greatest number of votes are elected.

County Courts and Judges.—The county courts are the courts of the judicial districts into which the State is divided (105). The judges of the county courts are chosen by the voters of the whole district at the municipal election. The same judge or judges exercise jurisdiction in the courts of the different counties in the district, but each county has its own courts. (See *Judiciary*.) The county was organized from the beginning as a judicial district with courthouse, jail, judge, and sheriff.

QUESTIONS

Bound the county in which you live. When was this county organized? How many counties in this State?

Have the names of the counties any historical significance?

Where does county court meet?

Prepare a list of the officers of this county.

Name five county officers, their terms of office, and two duties of each.

Is the board of commissioners an executive or a legislative body? Is the county government in Pennsylvania a pure democracy? Why?

Who is the sheriff of this county? What are his duties? State the salary he receives. How was he chosen? What is his term of service? Is the sheriff an executive or a judicial officer?

What are the duties of the following officers: commissioners, sheriff, district attorney, auditor, and mayor?

What aid does the National Government give to the State in cases of invasion or domestic violence?

Name the three departments of government, and state the functions of each.

In a criminal case who is the plaintiff?

What are the duties of the county superintendent? Name your county superintendent of schools.

Describe the county courts in brief. How are the judges chosen?

What is the object of having more than one party represented on the board of county commissioners?

Why should mortgages, deeds, and other like documents be officially recorded?

If a man steals and is prosecuted, who becomes the plaintiff?

Why should not a person be allowed to fill the office of county treasurer two or more terms in succession?

Who would be keeper of the jail if the sheriff should be a prisoner? Why not one of the deputy sheriffs?

Study carefully the derivation of the words auditor, sheriff, coroner, commissioner, supervisor, and superintendent.

If you had a bill against the county, how would you get your pay? To whom would a county auditor send his resignation if he desired to be relieved?

CHAPTER VIII

THE STATE GOVERNMENT

Three Great Departments.—The State preserves the old threefold division of the powers of government into separate departments: the legislative, the executive, and the judicial. It is the main framework of the State constitution, and in this respect the structure of the State government is identical with that of the National Government. The Constitution of the United States, by devolving certain duties upon the legislatures and governors of the several States, makes such a division necessary; for a State without such a division of governmental powers could not have a republican form of government within the meaning of the Constitution.

The Necessity for Such Division.—Experience has shown that the powers which belong to all governments can be most safely and satisfactorily exercised by dividing them. A “government of the people, by the people, and for the people” must have a power to make the laws, and at the same time a separate power to carry them out, or they will be of no value whatever. Yet before the laws can be enforced and applied, they must be properly understood; so there arises the need of a power which shall explain and interpret them uniformly. Indeed, in enacting the law, the legislative body may not have regarded the constitution or fundamental law of the State. In that case there must be some power higher than either the legislative or the executive power, able to declare it uncon-

stitutional. This highest power of government, to determine the meaning and constitutionality of laws, belongs to the judicial department and finds its greatest exponent in the Supreme Court.

The State Constitution.—The lawmaking power, as has been seen, has limits to its authority prescribed by a written document called the constitution. This is the highest law of the State. By its means the courts, the lawmaking power, and the executive are brought into the characteristic relations which mark our republican form of government. During its existence as a State, Pennsylvania has had four constitutions.

The State constitution is in itself only a great law made directly by the people voting upon a draft submitted to them. The people in voting act as a primary body, just as if they were all summoned to meet in one place like the folkmoes of our forefathers. The enactment of our State constitution was an exercise of direct popular sovereignty.

Other Features of State Government.—Besides the features of self-government already considered,—the constitution and the three great departments,—the State has the other elements of legal independence which characterize all the States in the Union. These are:—a body of State laws; a system of local government, in counties, cities, townships, etc.; a system of State and local taxation; public debts (\$2,643,917.02 on December 1, 1909); and certain requirements regarding suffrage and elections. There is no State debt, the sinking fund being \$2,652,034.96, or \$8,117.94 in excess of the debt.

QUESTIONS

Describe the threefold division of governmental powers.

How is the lawmaking power limited? Executive? The Judicial?

What is a constitution?

What are some of the other features of a government?

Why should not the judicial power be intrusted to the General Assembly or to the Governor?

Why not vest the executive power as well as the legislative power in the General Assembly?

Which is better, a written or an unwritten constitution?

What effect does the separation of the powers of government into three distinct departments have upon the security of the rights of the people?

CHAPTER IX

THE LEGISLATURE

Name and Composition.—The legislative power of the Commonwealth of Pennsylvania is vested in a General Assembly, which consists of a senate and a house of representatives (28). The senate consists of fifty members, and the house of representatives of two hundred and seven. The laws of Pennsylvania are known as “Acts of Assembly,” and not as statutes, as in some of the States.

Districts.—The constitution prescribes that the State shall be divided into senatorial and representative districts, and defines the method of division. This apportionment of members shall be made immediately after each decennial census of the United States (45). The State is divided into fifty senatorial districts of compact and contiguous territory, and each district elects one senator. The ratio of senatorial representation is found by dividing the population of the State by fifty (43). Philadelphia has eight districts, Allegheny county has six, and Luzerne county has two. The members of the house of representatives are apportioned according to a ratio found by dividing the population of the State by two hundred. The county of Philadelphia has forty-one members in the lower branch of the General Assembly. Allegheny county has twenty-four. Each county is entitled to at least one representative (44).

How Elected and When.—The members of the General

Assembly are chosen by the qualified voters (29) at the general election on the Tuesday next after the first Monday in November in even-numbered years. The term of office of a senator is four years (30), and half of the senators are chosen every even year; by which arrangement half the membership of the senate consists of senators of at least two years' experience. Representatives are chosen every even year for a term of two years (30). The term of service of members of the General Assembly begins on the first day of December next after their election (29).

Eligibility.—Senators must be at least twenty-five years of age. They must have been citizens and residents of the State four years, and residents of their districts one year next before their election—unless absent on the public business of the United States or of this State. During their terms of office they must continue to reside within their districts (32). Representatives must be at least twenty-one years old, and their other qualifications are the same as those of senators. No person holding an office under the State or National government can be a member of the General Assembly (33). No person convicted of embezzlement of public moneys, bribery, perjury, or other infamous crimes, is eligible to such membership (34).

Sessions.—The General Assembly holds its regular sessions once in two years, beginning at twelve o'clock, noon, on the first Tuesday of January every odd year (31). The length of time for which the General Assembly shall sit is not fixed, but the regular session generally lasts five months. Special sessions are called only by the Governor (90). A special session of the senate alone may be called for the transaction of executive business, such as the confirmation of the Governor's appointments; but the house of representatives

cannot be assembled alone. Each house has its own chamber in the Capitol at Harrisburg.

Salary.—Senators and representatives alike receive such salary and mileage, for regular and special sessions, as may be fixed by law, and no other compensation whatever for service on committee or otherwise (35). The law fixes the salary at \$1,500 for a regular session, and \$500 for a special session, regardless of the length of either. The mileage is reckoned on the basis of the ordinary mail route to and from their homes, at the rate of twenty cents per mile. Additional compensation in the form of \$100 worth of postage stamps and \$50 worth of stationery is granted.

Privileges of Members.—The members of the General Assembly, except in certain specified cases, are exempt from arrest during attendance at the sessions; and for any speech or debate in either house they shall not be held responsible in any other place (42). Thus legislation cannot be impeded by the device of arresting and imprisoning members of the Assembly.

Organization of the Houses.—On the day fixed for the meeting of the General Assembly (31), the twenty-five senators whose term of office has not expired and the twenty-five senators-elect meet in the senate chamber, and are called to order at twelve o'clock noon by the lieutenant governor of the Commonwealth, who by virtue of his office is the president of the senate (82). After the ceremonies with which the session opens, the newly elected senators take the oath of office prescribed by the constitution (132). A motion is then made that the senate proceed to the election of a president *pro tempore* (36). Nominations are made, the clerks call the roll of the senate, and each senator announces his choice by a *viva voce* vote (144). The next order of business is the elec-

THE CAPITOL AT HARRISBURG

tion of the chief clerk and other officers, after which the senate is ready to proceed with any business which may be presented.

The president *pro tempore* is the only officer that is a member of the senate. The other officers chosen are a chief clerk, journal clerk, reading clerk, message clerk, executive clerk, and four transcribing clerks; also a sergeant-at-arms and two assistants, who preserve order in the senate chamber, a chaplain, and a librarian. There are also doorkeepers, messengers, pages, and other assistants.

The chief clerks, the sergeants-at-arms, and many of the other officers chosen by the houses, are by law authorized to return as such at the next regular meeting of the General Assembly. This assures continuity of organization.

The house of representatives is organized in a manner similar to that in which the senate is organized. The chief clerk calls the house to order, and the secretary of the Commonwealth presents the returns of the last election (96), and then retires. The returns are read, the roll is called, and the oath of office is administered by a judge of the supreme court or of a court of common pleas. The members then elect from their own number a presiding officer called the speaker (36). Clerks and other officers are then elected, after which the house is ready to consider any business which may be presented. The speaker is always a representative of the majority party, and appoints the committees. In this and in many other ways he is able to direct and influence legislation.

Legislation.—The duty of the General Assembly is to make such laws as will promote the welfare of the people of the Commonwealth. These laws must not conflict with the Constitution of the United States, nor with that of the State, otherwise the courts will be sure to declare them unconstitu-

tional, and therefore null and void. The fact that the General Assembly is composed of two separate houses gives the advantage of checking hasty legislation. The General Assembly can legislate upon a great variety of subjects, yet there is manifestly in the minds of the people a certain jealousy of the legislative branch of government. Our State constitution devotes an entire article to limiting the power of the Legislature (46-78). The passing of local or special laws is forbidden in many distinctly specified cases; nor is it possible to pass any local or special bill unless notice of the intention to apply therefor shall have been published in the locality particularly concerned at least thirty days before the introduction of the bill into the General Assembly (53). The purpose of such provision is to prevent the evils growing out of special legislation.

Every word in a written constitution is in effect a restriction of legislation; yet the limitations imposed by the State constitution and by that of the United States seem small enough when compared with the vast prerogatives of the State Legislature. It has been truly said that to enumerate the particulars of the vast range of power, and to detail its parts, would be to name all social and business relationships, and to examine the very foundations of law and order.

Contests.—When any question is raised as to the qualification or election of a member, the house in which he claims a seat decides it, and there is no appeal from such decision (36).

Quorum.—A majority of each house constitutes a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members (37).

Rules: Expulsions.—Each house determines its own rules of order and business, and has power to enforce obedience

to its process (38). By a two-thirds vote it may expel a member, but not a second time for the same cause.

The Journal.—Each house keeps a journal of its proceedings (39). Upon the demand of any two members, the vote on any question must be taken by yeas and nays, and be so entered upon the journal. It will be noted that on all questions the members of General Assembly vote orally (144). The reasons for secret ballot do not apply, since the members vote in a representative capacity, and the constituents of each member have a right to know how he has discharged his duty. The proceedings are published from time to time, except such parts as require secrecy. The sessions of each house and of committees of the whole are open, unless the business is such as ought to be kept secret (40). Secret sessions of either house are very rare.

Committees.—The enactment of laws is expedited by means of committees appointed at the beginning of the session, and the constitution expressly prescribes them (47). These committees are very numerous, and each has charge of some particular subject. They are called standing committees because they continue throughout the session. Special committees are appointed to deal with any subjects which cannot readily be referred to any of the standing committees. The committee system places every bill in the hands of a limited number of persons having special knowledge of the matter with which it deals. They investigate the subject, and report the result of their deliberations. Committees in the senate are appointed by the president *pro tempore*, and in the house of representatives by the speaker.

Bills.—A proposed law, presented by a member in either house for consideration by the General Assembly, is called a bill. Bills may be altered, amended, or rejected by either

house, but it is provided that no bill shall be so amended as to change its original purpose. No law can be passed except by bill (46).

How the Laws are Made.—A bill may originate in either house—except a bill for raising revenue, which must originate in the house of representatives (59). The bill must then be referred to a committee, returned therefrom, and printed for the use of the members (47). It must be read in full on three different days in each house, amendments being made on second reading and the same printed for the use of members before the final vote after third reading is taken (49). The vote on its final passage must be taken by yeas and nays, and the names of the persons voting for and against the same must be entered on the journal. If a majority of the members elected to each house be recorded in its favor, the Legislature has passed the bill (49). If a bill originating in one house is amended or changed in any respect by the other house, it must be returned to the house in which it originated, and the amendment approved by a majority of all the members, voting by yeas and nays (50).

When the bill has been passed by both houses, it is sent to the Governor (93). If he approves it, he signs it and the bill becomes a law; but if he does not approve it, he vetoes it—that is, he returns it with his objections, to the house in which it originated. The Legislature may upon reconsideration pass such bill by a two-thirds vote in both houses, and it then becomes a law without the approval of the Governor. If he does not return a bill within ten days after it has been presented to him, it becomes a law, unless the General Assembly, by adjournment, prevent its return. Under these circumstances, the Governor has thirty days in which to sign or veto all bills left in his hands.

When the Governor is a Third House.—The only occasion on which the Governor is a part of the legislative power of the State is when he signs or vetoes a bill. Yet in ordinary times, this power, which is not executive but legislative, is his most important and considerable function. While exercising this power, the Governor is virtually in himself a third house.

The Governor has thirty days after the General Assembly has adjourned in which to approve or disapprove (93) bills sent to him during the ten days immediately preceding the adjournment of the Legislature. During the last few days of the session a large part of the bills are passed finally, and this provision gives him time for their careful consideration.

Election of U. S. Senators.—An important duty of the General Assembly is the election of Senators representing the State in the Congress of the United States. The election is held in conformity with rules contained in a law, passed by Congress in 1866, making such elections uniform for the States. The Governor certifies to the election, under the seal of the State, and the certificate is countersigned by the secretary of the Commonwealth.

The Power of Impeachment.—The house of representatives has the sole power of impeachment (128), but all impeachments are tried by the senate (129). When sitting for that purpose, the senators are put upon oath or affirmation, and no person can be convicted without the concurrence of two thirds of the senators present.

Powers Reserved to Each House.—It will be seen that the house of representatives has the sole power of impeachment, and of originating bills for raising revenue; while the senate has the sole power of confirming the Governor's appointments (86), and of trying the cases of impeachment (129).

Apportionment of the State.—The General Assembly has

power to divide the State into senatorial and representative districts for the election of State senators and members of the house of representatives (43-44), and into judicial districts (105) for the election of judges of the court of common pleas and the orphans' court.

By Act approved February 15, 1906, the number of members in the house of representatives was changed to two hundred and seven, and the State was reapportioned into representative districts as provided by the constitution (45). The purpose of the method therein set forth (44) is to prevent gerrymandering, and it is efficient except in the case of the larger counties and cities. The divisor, two hundred, used in finding the ratio, keeps the number of representatives close to that figure.

In the further exercise of its legal powers, the General Assembly also divides the State into congressional districts for the election of Representatives in the Congress of the United States. By Act of July 11, 1901, the State is divided into thirty-two congressional districts, each electing one member of the House of Representatives in the Congress of the United States.

When an Act Goes into Effect.—An Act of Assembly becomes a law and goes into effect as soon as it has received the signatures of the proper officers required by law, unless some other time is fixed by a special section of the Act. This is sometimes, but not usually, inserted.

Adjournment.—Each house adjourns from time to time without reference to the other, but may not adjourn for more than three days without the consent of the other (41). When the two houses cannot agree upon the time of adjournment, the Governor may adjourn them to such time as he may think proper, not exceeding four months (90).

QUESTIONS

Describe the legislative power in Pennsylvania.

Are the representatives in the General Assembly apportioned by counties? State the rule by which they are apportioned.

How many State senatorial districts are there in this Commonwealth? In which senatorial district do you reside?

In what respects do the legislatures of the several States resemble each other? Why?

What name is given to the Legislature in Pennsylvania? What is the name given to the lower house?

What provision does the constitution make in respect to the number of senators? How is the number of representatives determined? How many representatives at present? Is there any question as to the fairness of the apportionment? ("Gerrymandering.") How does the number of senators compare with the number of representatives?

What are the qualifications, length of term, and salary of a State representative? Of a State senator?

Where, when, and how often, does the General Assembly meet? Why is this time of year chosen?

What are the qualifications of senators in Pennsylvania as to age, citizenship, and residence? What circumstances disqualify a person for membership? What are the qualifications of members of the house of representatives? What disqualifies? What is the salary of a senator? Of a representative?

Describe the manner in which the two houses are organized on the first day of the session. How may disorder and disrespect be punished?

What are the powers of the General Assembly?

In what way is the action of the lawmakers limited? What is meant by the term "lobbying"?

What are the provisions of the Constitution and laws of the United States in regard to the election of Federal senators?

Why should the lieutenant governor's right to vote in the senate be limited?

By what authority is the State divided into congressional districts?

Upon what subjects may the Legislature of Pennsylvania pass laws?

What prohibitions are placed upon the General Assembly by the State constitution?

Name some of the subjects upon which the Legislature cannot pass special laws.

How does a bill become a law?

How are laws made? Give an illustration.

How could the location of the capital of the State be changed? Is it conveniently located?

In whose name are the laws of the State enacted?

Describe the process of impeachment in this State.

Give the number of the senatorial district in which you live, and the name of your senator.

What is the name of your representative? What is the number of his district?

State some powers which can be exercised only by the senate.

Name some powers which are reserved to the house of representatives.

CHAPTER X

THE EXECUTIVE DEPARTMENT

The Department.—The executive department of the State consists of a Governor, lieutenant-governor, secretary of the Commonwealth, attorney-general, auditor-general, State treasurer, secretary of internal affairs, and a superintendent of public instruction (79).

The Governor.—The supreme executive power in the State is vested in the Governor, who is charged with duties of great variety and responsibility. He must take care that the laws are faithfully executed (80). The office of Governor is one of great power and dignity, and affords an opportunity for the display of character and talent.

How and When Elected.—The Governor is chosen by the qualified electors of the State, on the day of the general election, at the places where they vote for members of the General Assembly (80). The election occurs on general election day.

Returns of Election.—The returns of the votes cast for Governor, as they have been collected and counted by the proper officers of the several counties of the State, are sealed up and sent to the seat of government at Harrisburg, directed to the president of the senate, who opens and publishes them in the presence of both houses of the General Assembly (80).

Term and Eligibility.—The Governor is chosen for a

term of four years from the third Tuesday of January next following his election, and is not eligible to the office for the next succeeding term (81). He must be a citizen of the United States, at least thirty years old, and for the seven years next preceding his election he must have been a resident of Pennsylvania, unless he shall have been absent on the public business of the State or of the United States (83).

Residence and Salary.—His business office is in the Executive Building, and official residence at the Governor's Mansion at Harrisburg. His salary is \$10,000 per annum.

Lieutenant Governor.—The lieutenant governor is chosen at the same time, in the same manner, and for the same term as the Governor. His qualifications are the same, and he is not eligible to his office for the next succeeding term (82). He is *ex officio* the president of the senate, but has no vote unless the senate is equally divided. While the office of lieutenant governor under ordinary circumstances is of small dignity, in its possibilities it is of the greatest importance. If the Governor dies, resigns, or for any reason becomes unable to discharge his duties, the powers, duties, and emoluments of the office devolve upon the lieutenant governor (91).

Must Hold no Other Office.—No member of Congress, or person holding any office under the United States or other office in this State can exercise the office of Governor or lieutenant governor (84).

Commander in Chief.—The Governor is commander in chief of the army and navy of the Commonwealth, and of the militia, except when they are called into the actual service of the United States (85).

Power to Appoint Officers.—He may nominate, and, by

and with the advice and consent of two thirds of all the members of the senate (86), appoint a secretary of the Commonwealth and an attorney-general during pleasure, a superintendent of public instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the constitution or by law to appoint.

Filling Vacancies.—If a vacancy happens in any office, and the law does not provide some other method for filling it, the Governor may appoint a person to fill the vacancy (86). Such appointment expires, in general, at the close of the next session of the General Assembly or at the next election day appropriate to that office.

Reprieves and Pardons.—He has power to remit fines and forfeitures, to grant reprieves, commutations of sentence, and pardons (87) except in cases of impeachment, but no pardon can be granted nor sentence commuted, except upon the recommendation of the board of pardons.

Fugitives from Justice.—The Governor may demand fugitives from justice from the executive of any other State or Territory; and issue warrants for the arrest of persons in this State upon the requisition of the governor of any other State or Territory.

Information and Advice.—He may require information, in writing (88), from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Messages.—The Governor sends to the General Assembly, at the beginning of the session, a formal message reporting the condition of the State, and recommending to their consideration such measures as he may judge expedient (89).

Extra Sessions.—The Governor has power to call the

senate together to transact executive business only; also to convene the General Assembly on extraordinary occasions. It is his duty, by message, to explain to both houses the reasons why he has thus called them together (90).

Adjourning the Legislature.—In case of disagreement between the two houses as to the time of adjournment, the Governor may declare the General Assembly adjourned to such time as he may think proper, not exceeding four months (90).

Order of Succession.—As we have seen, in case of the death, resignation, or other disability of the Governor, the duties of the office devolve (91) upon the lieutenant governor. In case of a vacancy in the office of lieutenant governor (92), the president *pro tempore* of the senate succeeds to that office, and in like manner may become Governor, should a vacancy or disability also occur in the office of governor.

The Office of Governor never Vacant.—Careful provision is thus made that the Commonwealth be not at any time left without a responsible head. There is never a time when there is not some one to whom the people may look as chief magistrate. In cases of contested election, as under ordinary circumstances, the Governor and lieutenant governor exercise the duties of their respective offices until their successors are duly qualified (95).

Contested Election.—The chief justice of the Supreme Court of the State presides upon the trial of any contested election of Governor or lieutenant governor, and decides all questions regarding the admissibility of evidence (95).

The Veto Power.—All bills and concurrent resolutions, except for adjournment, must be submitted to the Governor for his approval (93). If he approves a bill he signs it, but if he does not approve it he returns it to the house in which it originated, with his objections. The General Assembly may,

upon reconsideration, pass such bill by a two-thirds vote in both houses. The relations of the Governor to the General Assembly are most important, since the veto power gives him a great influence in legislation. Even although he cannot make legislation and a bill may become a law notwithstanding his veto, the share which the chief executive takes in actual legislation is very great. The use of the veto power is his most serious duty, and chiefly by his discharge of it is he judged. Few bills are ever passed over the Governor's veto. Many bills, at the time of the adjournment of the Legislature, are left unacted upon by him; concerning all such bills he has an absolute veto. A power almost analytic in its actual working is that which enables him to disapprove of any item of a bill appropriating money, and to approve of other items of the same bill (94). This is a wise provision, enabling the Governor to cut out any objectionable appropriation without destroying the whole bill. It has also been decided by the Supreme Court of the State that the Governor has the right, under the State constitution, to reduce any item of an appropriation bill passed by the General Assembly.

When Approval is not Necessary.—Resolutions for adjournment need not be submitted to the Governor for his approval (71). The Supreme Court of the State has decided that Article XVIII of the State constitution, providing for its future amendment, stands alone and provides all the machinery that is necessary to be followed in the amendment thereof. The submission of amendments to the constitution to the Governor for his approval is therefore not necessary, although it has been done in many cases (207).

Secretary of the Commonwealth.—This officer is appointed by the Governor and confirmed by the senate, and holds office at the pleasure of the chief executive of the State. He

keeps a record of all the official acts and proceedings of the Governor, and furnishes information concerning the same to other officers and to the General Assembly. Other duties are enjoined upon him by law. He is the custodian of the copies of all laws, resolutions, etc., passed by the General Assembly; these and the veto messages of the Governor are prepared for publication under his supervision. He countersigns all proclamations, appointments, and commissions issued by the Governor; and a record of them is kept in his office. He keeps a record of all death warrants, respites, commutations, and pardons; he has charge of the official bonds of all officers and notaries public commissioned by the Governor. Records of incorporation, proceedings of corporations, their charters, changes of name, changes in capital stock, etc., are under his care. He is the custodian of election returns of all National, State, and county officers who receive executive commissions; and he compiles and publishes the returns of the State elections.

The secretary of the Commonwealth is the keeper of the great seal of the State. He affixes it to all such documents as the law requires; and countersigns them. His salary is \$8,000 per annum. Fees being no longer a part of his salary, he is required to pay into the State treasury all percentages, fees, and commissions received by him by virtue of his office as secretary of the Commonwealth.

The secretary of the Commonwealth is the head of the department of state, and the agent of official communication between Pennsylvania and other States and the United States.

Secretary of Internal Affairs.—The secretary of internal affairs is elected by the people, and serves for a term of four years (99). He exercises all the powers and performs

all the duties formerly assigned to the surveyor general (97), subject to some changes made by law. According to the constitution, his department embraces a bureau of industrial statistics, and he must discharge such duties relating to corporations, charitable institutions, and the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State as may be prescribed by law. The department as organized at present consists of five bureaus: land office and boundary lines; assessments and taxes; industrial statistics; mines and mining; and railroads, canals, telegraphs, and telephones. The secretary collects through these various bureaus information of great importance concerning the relations between capital and labor, wages, processes of manufacture, value of products, condition of the laboring classes, etc. These facts, together with his views and recommendations, are set forth in his reports to the General Assembly.

Superintendent of Public Instruction.—The educational interests of the State are represented in the executive department by the superintendent of public instruction, who exercises general supervision of the system of public education (98). He commissions county, city, and borough superintendents of common schools, appoints and commissions the State trustees of the State normal schools, conducts the annual examinations of students in such schools, and appoints the State board of examiners. He makes an annual report to the Governor, and his reports exercise considerable influence upon legislation on educational matters. Although appointed by the Governor for a term of four years, the State superintendent of public instruction can be removed only by impeachment.

Attorney-General.—The attorney-general is appointed by

the Governor, and is the legal adviser and advocate of the State (86). His duties are increasing from year to year. He advises the Governor and other State officers on questions of law and of public interest whenever such questions are submitted to him for an expression of his opinion. Many of his duties relate to the finances of the State, and a large part of his work consists of the collection of delinquent claims certified to him by the auditor-general. He has access in the course of his business to the books, papers, and documents in the offices of the auditor-general and State treasurer. He may proceed by law against any corporation that refuses to submit its affairs to examination by the proper officers, or violates any law binding upon it. In the course of his duty, he represents the Commonwealth in all appeals taken by corporations in the settlement of taxes. Through the courts he can proceed to force certain officers to perform their official duties. He submits to the Legislature reports of the official business transacted in his office. The attorney-general is a member of the board of pardons (87), the board of property and accounts, and of other important boards. His salary, \$12,000, is one of the largest paid to State officers; and the breadth of the duties of the office requires that he be a lawyer of pronounced ability.

Auditor-General.—The auditor-general is elected for a term of four years, and is not eligible to the office for the next succeeding term (99). He makes an annual examination of the condition of the State treasury, including the treasurer's accounts, and all banks, corporations, etc., having deposits of the public funds. He examines and settles all accounts between the Commonwealth and other parties. The auditor-general has extensive powers to examine accounts, summon witnesses, and examine them under oath

if necessary. All warrants upon the State treasury are drawn by the auditor-general, except those drawn by the Governor; and such must be countersigned by the auditor-general. The books and papers of the treasurer's office are open to the inspection of the auditor-general.

State Treasurer.—The State treasurer is elected for a term of four years, and is not eligible to the office for the next succeeding term (99). He receives all money paid into the State treasury, and issues receipts therefor, which the auditor-general countersigns and registers. He pays all warrants drawn by the proper officers. He gives bond in the sum of \$500,000 for the faithful performance of his duties. He makes an annual detailed report to the Legislature of the receipts and expenditures of the preceding year, ending November 30, and at the commencement of each session makes a financial report to the General Assembly. On the first business day of each month he renders a statement of account to the auditor-general, giving in detail the sums which make up the grand total of the amounts for that day in the State treasury, including moneys appropriated to the sinking fund. It also includes the names of banks and trust companies with which public funds are deposited, and sets forth under oath the amounts of such deposits.

Secretary of Agriculture.—This officer is appointed by the Governor and confirmed by the senate for a term of four years. The creation of the office was due to the magnitude of the interests formerly intrusted to the State board of agriculture. The object of the office which he fills is to promote agriculture, horticulture, forestry, and kindred industries. His principal duties are to collect and publish information relating to many subjects, such as the adaptability of grains, grasses and other crops to the soil and climate of

the State; wool growing and stock raising; diseases of domestic animals; methods and rates of transportation; valuation and taxation of farm lands; and all topics relating to the general agriculture of the State. Through his subordinates he is charged with the management of farmers' institutes; the enforcement of laws relating to the adulteration of food products and fertilizers; and the care and protection of forests against fire and other depredations.

By virtue of his office he is secretary of the board of agriculture. He has four assistants: the director of farmers' institutes, the dairy and food commissioner, the State veterinarian, and an economic zoölogist.

OBVERSE

REVERSE

THE GREAT SEAL OF PENNSYLVANIA

The Great Seal.—The State provides for the use of its executive a seal called the great seal of Pennsylvania. In effect this seal is an instrument whereby the name and emblem of the State may be impressed upon the paper or other material upon which the official document is written. All commissions are issued in the name and by the authority of the Commonwealth of Pennsylvania, are signed by the Governor, and sealed with the great seal of the State (100).

QUESTIONS

How are the executive functions of the State of Pennsylvania distributed? Name some of the administrative officers of this State.

What are the powers and duties of the Governor? Of the lieutenant governor?

Does Pennsylvania give much or little power to the Governor?

Which of the executive officers are elected by the people?

What are some of the powers and duties of the secretary of the Commonwealth? Of the State treasurer? Of the secretary of internal affairs? Of the attorney-general? Of the superintendent of public instruction? Of the auditor-general? Of the adjutant general? Of the secretary of agriculture?

Which State officers in Pennsylvania are appointed by the Governor, by and with the consent of the State senate?

Is the pardoning power an executive or a judicial function? In whom is it vested?

Tell all you know about the board of pardons.

In case the Governor is not chosen in the regular way, what provision is made for the selection of such officer?

How may the Governor's veto be overcome?

Name the State officers you have seen. What is meant by saying that the Governor executes the law? Have you ever read a message of the Governor? A proclamation by the same State officer?

If the State superintendent of public instruction wants information on some point of school law, to whom should he appeal?

How many senators and representatives would it take to pass a bill over the Governor's veto?

How are the expenses of the State government met?

What is the law of succession to the Governor's office?

CHAPTER XI

OTHER STATE OFFICERS: STATE BOARDS

How Appointed: Names.—Many other offices have been created by law and are filled through appointment by the Governor, with the advice and consent of the senate. The most important of these officers are:—adjutant general, State librarian, factory inspector, superintendent of public grounds and buildings, superintendent of public printing and binding, commissioner of health, commissioner of banking, insurance commissioner, highway commissioner, commissioner of forestry, commissioner of fisheries, chief of the department of mines, and mine inspectors.

The chief duties of these officers are, perhaps, sufficiently explained by their official titles. A few facts in regard to some of the special duties are here given.

Adjutant General.—This officer is the Governor's chief of staff, and his military executive officer. He is the chief inspector of the National Guard of the State, and is the keeper of the military records of the Commonwealth. He has charge of all the battle flags belonging to the State, and is also custodian of the war records and muster rolls. He is a member of the State military board.

Militia and the National Guard.—All male citizens of the State between the ages of eighteen and forty-five years, except such as are by law exempt from such service, constitute the militia of the State. The term National Guard is ap-

plied to such part of this body of men as are organized, drilled, and under arms. In time of war such troops often form an important part of the volunteers mustered into the service of the United States. As at present organized, the National Guard of Pennsylvania consists of one division composed of three brigades. The commanding officers are a major general and three brigadier generals. The State has about ten thousand officers and men in the National Guard, while the militia number close to a million men. The State constitution directs that the freemen of the Commonwealth be armed, organized, and disciplined for its defense when, and in such manner as the laws may direct. The General Assembly shall provide for maintaining the militia by appropriations from the treasury, and may exempt from military service persons having conscientious scruples against bearing arms (167).

State Librarian.—This official has principal charge of the State library. He must be a person of known literary and bibliographic attainments. He receives two hundred copies of each of the public documents of the Commonwealth, and is required to maintain a system of exchange with other States, and with such foreign countries as grant an international exchange to the reciprocal advantage of all concerned.

The State library at present contains about 120,000 volumes divided into three classes: State papers, law, miscellaneous works. Each department is quite general and complete.

Factory Inspector.—The factory inspector has for his duties the enforcement of the Acts of the General Assembly relating to the health and safety of women and children employed in mercantile industries and manufacturing establishments. He sees that no minors are employed at labor

in such places more than sixty hours in any week; that no child under thirteen years is employed in such establishments at all; that all machinery, belts, pulleys, and shafts are properly guarded; that all sanitary arrangements are suitable; that means of escape in case of fire are sufficient; and that overcrowding and nonventilation of workrooms are prevented.

Superintendent of Public Grounds and Buildings.—This official has charge of the Capitol buildings and grounds. He sees that all repairs and improvements are properly made, and employs the laborers required. He enforces good order in the buildings and on the grounds, by means of the Capitol police, of which force he has immediate charge. He is appointed for a term of four years, and is the executive officer of the board of public grounds and buildings.

Superintendent of Public Printing and Binding.—In order that the various reports and other public documents may be made serviceable, the State undertakes the printing and binding of such material. It is the duty of the superintendent to receive and take charge of all reports made to the Governor by the heads of departments, have the same printed by the State printer and delivered to the departments. He also arranges all matter ordered to be printed by the General Assembly, and supervises the printing of the same. He makes an annual report to the Governor.

Commissioner of Banking.—This State officer is appointed by the Governor for a term of four years, and by the faithful discharge of his duties is able to secure the public against losses through the operations of banking institutions not under the inspection and control of the National government. He has charge of the faithful execution of all laws relating to banks, banking companies, safe deposit,

trust, real estate, guarantee, and surety companies, and all other corporations receiving money on deposit, and incorporated under the laws of the State. He must not be interested as officer or stockholder in any corporation subject to his supervision; the same restriction applies to his deputy. Every corporation subject to the supervision of the commissioner of banking must make at least two reports of its financial condition during each year. A summary of each report must be published at least three times in a local newspaper.

Commissioner of Insurance.—It is the duty of the insurance commissioner to see that the laws relating to insurance are faithfully executed. Each insurance company doing business within the State must file with the commissioner a copy of its charter, and an annual statement of its financial condition verified by the officers of the company. In addition to the requirements named above, companies from other States and countries must obtain from the commissioner certificates granting permission to do business in the State (1886).

Department of Forestry.—This department was created by an Act approved February 25, 1901, and has for its purpose the purchase and care of lands constituting State forestry reservations. Some of the duties which devolve upon the commissioner of forestry and his department are the selection and purchase of suitable lands for timber culture and protection; the establishing of a scientific system of forestry upon them whenever public sentiment shall approve of the necessary expenditures; the promotion and encouragement of care in the treatment of the forests of the State; and the publishing of information regarding the extent and condition of the forest lands in the State.

The commissioner is appointed by the Governor for a term of four years, and receives a salary of \$3,000.

Department of Mines: Mine Inspectors.—The department of mines has superseded the bureau of mines and mining of the department of internal affairs. It is charged with the supervision of the execution of the mining laws of the State, and the publication and care of the annual reports of the mine inspectors. The chief of the department of mines is appointed by the Governor for the term of four years. He must have at least ten years' practical experience as a miner and the qualifications of a mine inspector.

The mine inspectors of the State are practical coal miners to whom the duty of inspecting the various mines of anthracite and bituminous coal is assigned. They must see that proper precautions are taken for the safety of the workmen, and that the laws regulating the manner of operating the mines are enforced. In the anthracite coal fields the mine inspectors are elected by the voters of each great coal district, and there are three boards charged with the duty of passing upon the qualifications of the candidates. Each board consists of two mining engineers and three coal miners, appointed for this duty in the three great districts of the anthracite region by certain judges of the courts of common pleas. In the bituminous region the Governor appoints the examining board, and selects the inspectors from certified lists presented by the examiners.

Legislative Reference Bureau.—This department, having for its object the assistance of lawmakers and the public generally in the study and proper classification of all matters relating to legislation, was established by the State Legislature in 1909. The director of the bureau holds office four years, and the salary is \$5,000.

Commissioner of Health.—The department of health takes the place of the former State board of health, but the powers are greatly increased. The management is in the hands of the commissioner of health and an advisory board. The commissioner must be a physician of at least ten years' professional experience, and a graduate of a legally constituted medical college. He is appointed by the Governor for a term of four years, and by virtue of his office is a member of several important boards.

Executive Boards and Commissions.—There are many boards and commissions charged with important duties indicated sufficiently by the names given.

1. BOARD OF PARDONS

Lieutenant Governor
Secretary of the Commonwealth
Attorney-General
Secretary of Internal Affairs

2. BOARD OF PROPERTY

Secretary of Internal Affairs
Attorney-General
Secretary of the Commonwealth

3. STATE BOARD OF AGRICULTURE

Governor
Secretary of Internal Affairs
Superintendent of Public Instruction
Auditor-General
Secretary of Agriculture
President of State College

Other members are either appointed by the Governor or State Poultry Association, or elected by the various county agricultural societies.

4. TRUSTEES OF STATE LIBRARY

Governor
Secretary of the Commonwealth
Attorney-General

5. STATE MILITARY BOARD

Adjutant General
Auditor-General
State Treasurer

6. BOARD OF REVENUE COMMISSIONERS

Auditor-General
State Treasurer
Secretary of the Commonwealth

7. COMMISSIONERS OF THE SINKING FUND

Secretary of the Commonwealth
Auditor-General
State Treasurer

8. MEDICAL COUNCIL

Lieutenant Governor
Attorney-General
Secretary of Internal Affairs
Superintendent of Public Instruction
Presidents of the Boards of Medical Examiners
Commissioner of Health

9. COLLEGE AND UNIVERSITY COUNCIL

Governor
Attorney-General
Superintendent of Public Instruction
Other members representing the Universities, Colleges,
School Superintendents, and Normal Schools of the State.

Notary Public.—A notary public is a State officer whose chief duty is to attest or certify deeds, agreements, and other

documents, usually under his official seal, to make them authentic. Such seal is judicially recognized all over the world. He also administers oaths, protests negotiable notes, and takes depositions and affidavits.

The law provides that the Governor shall appoint and commission a sufficient number of persons of known good character, integrity, and ability as notaries public for the Commonwealth of Pennsylvania. The term of office is four years.

The salary of a notary public consists of fees fixed by law. He must pay twenty-five dollars to the State treasurer before a commission as notary public can be received.

Salaries of State Officers.—The salaries of some officers are here given.

Governor	\$10,000
Lieutenant Governor	5,000
Secretary of the Commonwealth	8,000
Attorney-General	12,000
Auditor-General	8,000
Treasurer	8,000
Secretary of Internal Affairs	8,000
Superintendent of Public Instruction	5,000
Adjutant General	4,000
Secretary of Agriculture	3,500
Commissioner of Banking	6,000
Commissioner of Fisheries	3,000
Commissioner of Forestry	3,000
Highway Commissioner	8,000
Insurance Commissioner	7,500
Dairy and Food Commissioner	2,500
Private Secretary to the Governor	5,000
State Librarian	4,500
Commissioner of Health	10,000
State Veterinarian	2,500
Secretary of Committee on Lunacy	3,000

Factory Inspector	\$5,000
General Agent of Board of Charities	3,000
Economic Zoölogist	2,500
Superintendent of Grounds and Buildings	5,000
Superintendent of Printing	3,000
Superintendent of State Police	3,000
Chief of the Department of Mines	4,000
Mine Inspectors	3,000
State Railroad Commissioners	8,000
Director of Legislative Reference Bureau	5,000

Certain officers receive extra compensation through additional duties which by law devolve upon their offices. Thus the lieutenant governor really receives \$5,500, the secretary of the Commonwealth, \$9,100, the auditor-general \$9,200, the State treasurer \$9,200, the adjutant general \$4,600, and the secretary of internal affairs \$8,500. Members of the Legislature are paid only every alternate year, since sessions come but once in two years.

QUESTIONS

What are the duties of the adjutant general? Of the State librarian? Of the commissioner of banking? Of the commissioner of insurance? Of mine inspectors? Of the commissioner of health?

State some of the salaries paid to various executive officers.

Why should the Governor be a member of so many State boards?

Why should the people elect the auditor-general and the State treasurer?

Why should the senate confirm the Governor's nominations?

Show that the county superintendent is also one of the executive officers of the State.

Name some State executive officers not mentioned in Chapter X.

What services has the militia of the State rendered in recent years?

What are the duties of the department of health in this State?

What provision does the State make for the defective classes?

To what grade of government has the charitable function been assigned in this country?

In what instances has the militia of Pennsylvania been called into the National service?

State the general duties of the attorney-general of this State; his term of office.

Where are some of the institutions for the care of the defective classes located?

Fill out the following scheme for the executive department of Pennsylvania:

Officer	Name	Elected or App'n'd	Term	Salary	Duties
Governor					
Lieut. Governor					
Sec. of the Com'n'lth					
Sec. of In- ternal Aff.					
Treasurer					
Auditor- General					
Attorney- General					
Supt. Pub- lic Instrc.					
Sec. of Ag- riculture					

CHAPTER XII

THE JUDICIARY (I)

The Judicial Power.—The judiciary is that branch of government in which the judicial power is vested. Its business is to determine what the law is; to apply it to cases where persons make conflicting claims to rights; to determine whether the law has been broken by persons accused of crime; to pronounce sentence upon such persons as have been found guilty and fix the measure of damage and punishment; and to order that the decisions be carried into effect.

Courts of Justice.—Without some power designed to decide disputes, to award justice, and to punish crime according to the laws of the State, government would be very imperfect, and could not long exist. If every man were his own judge in case of supposed injury, and were allowed to redress his own wrongs, the rights of others would be endangered. Justice is best secured to all by the establishing of courts of justice, or bodies of persons assembled by the authority of law for the administration of justice. In order that no person may suffer unjustly, it is provided that every person charged with crime or any other wrong, is entitled to a fair and impartial trial. In the eyes of the law a person is entitled to be considered innocent until conclusively proved to be guilty.

Trial by Jury.—The administration of justice in the courts of law is not left entirely to justices and judges.

Trial by jury has been for centuries one of the most jealously guarded rights of the people. This is the great guarantee of a just decision as to facts. The *Magna Charta*, wrung from the unwilling hands of King John at Runnymede in 1215, dealt with the rights of the English people at large: their right to good government, their right to security of person and property, their right to justice. One memorable article that lies at the base of the whole judicial system reads: "No freeman shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any ways destroyed; nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers or by the law of the land" (10). Established here by our ancestors, this right of trial by one's peers has come to mean a trial by an impartial jury. The State constitution (7) says that trial by jury shall be as heretofore, and the right thereof remain inviolate.

The Jury.—A jury is a number of men qualified and selected as the law prescribes, and sworn to decide what are the facts in any case, and to declare the truth on the evidence given. It renders its verdict, after hearing the evidence of the witnesses. The term verdict is from *verum dictum*, "a true saying." A jury trial is of less importance as a guarantee that justice will be done in civil cases than in criminal cases where life and liberty are imperiled; so the constitution (127) allows the parties to a civil suit to dispense with trial by jury, and submit the decision to the court having jurisdiction. By the court is meant the judge or judges conducting the trial. The judgment rendered is subject to writ of error, as in other cases.

The law provides for two kinds of juries, the grand jury and the petit jury.

The Grand Jury.—In criminal cases the law takes spe-

cial precautions lest innocent persons should suffer wrong. The grand jury may indict the accused person; if this is done, a petit jury tries him. The grand jury deals only with criminal cases, and decides which of these shall be brought before the court. The grand jury consists of twenty-three men from a panel of twenty-four summoned for duty. The court appoints one juror as foreman; and excuses one juror to avoid ties. The judge, on impaneling a grand jury, charges it to inquire into the offenses against the laws of the State, and to report its findings. By means of a preliminary hearing of evidence presented by the Commonwealth, that is, the evidence against the accused, the grand jury determines whether the persons arraigned for crimes on suspicion shall be tried or dismissed without trial. The jury sessions are secret, no one but the district attorney and witnesses being allowed to be present at its sessions. Only one witness against the accused is allowed before the grand jury at one time. The mode of procedure is very deliberate, and the jury must first decide that a crime has in all probability been committed. If a case is made out against the accused, the foreman indorses the bill of indictment, and it becomes "A true bill." If not already arrested, the person named is taken into custody. When the evidence is not judged sufficient to warrant trial, the bill is indorsed "Not a true bill," and the accused, if already arrested, is released. Twelve members of the grand jury must concur in any indictment found. Sometimes a written accusation is presented by the grand jury upon its own motion, that is, without waiting for a bill to be framed and presented by the district attorney. Such a formal accusation is called a presentment. There are three ways in which one suspected of crime may be accused formally of the offense: by in-

formation, by indictment by a grand jury, and by presentment. The information is a written accusation, presented under oath by a prosecutor, to the court having jurisdiction of the offense charged therein. It is the form of accusation used in cases of small magnitude, although in some States it is used almost to the exclusion of every other.

Certain duties of a supervisory nature are performed by the grand jury; these are the annual inspection of the prison, poorhouse, courthouse, and other public buildings of the county, and the approval of the location of county bridges.

The grand jury does not try cases, but merely makes inquiry into them. Why, then, is it necessary to the course of justice? The grand jury is instituted to protect innocent persons from the trouble and expense of defending themselves in court against false accusations. It has been claimed that this protection is not always afforded; yet grand juries do not often indict persons unless there is strong possibility of the accused being found guilty on trial. The fifth amendment to the Constitution of the United States expressly provides for the institution of grand juries. See also (11) in the State constitution.

The Petit Jury.—This is the jury which is to discover and pass upon the facts in a case at law. In any single case in law it consists of twelve men, all of whom must agree in a verdict. After hearing the evidence, the pleas of the attorneys, and lastly the charge of the judge, the jury retires to a room and makes up its verdict without consultation with any person but the judge. In criminal cases the verdict is "Guilty" or "Not guilty"; and in cases of misdemeanor where the verdict is "Not guilty" the costs may be placed upon the defendant, the prosecutor, or the county, or they may be divided in such manner as the jury may deem proper.

If the jury cannot agree upon a verdict, it is called a "hung" jury, and a new trial before a different jury must be ordered.

In civil cases the mode of procedure is very similar. Verdicts take the form "For the plaintiff," or "For the defendant." In those cases wherein damages are awarded the jury fixes the amount.

Drawing the Jury Panels.—The manner of selecting the grand and petit jurors is prescribed by law. The jury commissioners of each county, and the president judge of the district, or the associate judge of the county if not a district by itself, meet at the county seat at least thirty days before the first term of the court of common pleas each year and select alternately from the list of qualified voters a certain number of names. These are written on slips of paper and locked up in the jury wheel, the key being given to the sheriff. On an order, issued by the prothonotary to the sheriff and jury commissioners before any term of the court of common pleas, the names of the number of persons who are to serve as jurors are drawn from the jury wheel. The number of petit jurors drawn is usually from forty to sixty. The persons are then summoned by the sheriff to appear in court, and the panel of names is returned to the prothonotary.

In a similar manner the clerk of the court of quarter sessions and of the court of oyer and terminer, under the direction of the courts, issues a writ to the sheriff and the jury commissioners to draw and summon a grand jury, and also petit jurors to act in such cases as are to be brought before these courts.

A juryman receives compensation at the rate of two dollars a day during the time of his service.

Selecting the Jury for a Case.—In selecting the twelve

jurors for a particular case, either side may object to a juror if he has already made up his mind, or is strongly predisposed, or is related to the accused, or, in cases of murder, if he disapproves of the death penalty in case of conviction. Such objections to jurors are called *challenges*. Besides challenges for cause, each side is allowed a certain number of peremptory challenges for which no grounds need be stated.

Employing Counsel: Witnesses.—It is usual for a man who is involved as a litigant to employ a lawyer to manage the case before the court, although it is lawful for any one to plead his own cause. After the selection of the jury by the counsel for the defendant and the counsel for the plaintiff or the prosecution, the witnesses are examined and cross-examined. The counsel on each side examines the witnesses that he brings in behalf of his client, and cross-examines those brought to the witness stand by the other side. After the evidence is all in, the counsel for the plaintiff or the prosecution presents his side of the case to judge and jury in an address called an argument. The counsel for the defense follows. The judge's charge to the jury sums up briefly the history of the case as presented in court, and instructs the jurors as to the law applied to the case before them. It will be seen that the judge's charge is a very important element in the determination of the verdict. The jury may return to the judge for further instruction upon any points in regard to which they may be in doubt.

Witnesses are summoned to appear in court by a legal writ called a subpoena—that is, "under a penalty" in case of disobedience or contempt. In all criminal prosecutions, the accused has the right to have compulsory process for obtaining witnesses in his favor (10).

The Appeal.—If the defeated person in a suit still thinks

that he has a good case, or that errors have been made in the trial, he may through his counsel apply for a new trial. If this is granted, it proceeds before a new jury in the same manner as the first trial. If a new trial is refused, he may appeal to a higher court. The Supreme Court is the highest State court to which any citizen can appeal.

In a criminal case, if the verdict be "Not guilty," the prisoner is at once released. The State has no right of appeal.

Judgment and Sentence.—When the verdict of the jury has been given, the decision of the court soon follows. In a civil case this is called the *judgment*, and in a criminal case the *sentence*. The person obtaining a judgment may cause the personal property and, if necessary, the real property of the adjudged person to be seized and sold by the sheriff to the amount of the judgment obtained. If found guilty in a criminal case, the person is sentenced to undergo the penalty of the law. A prisoner may appeal to the Governor for pardon, or respite, or commutation of sentence. The carrying out of the sentence imposed is the *execution*. The term is applied to the lawful infliction of the death penalty; but it is also lawfully employed to name the writ empowering an officer to carry any judgment into effect.

QUESTIONS

What great right of the people has been jealously guarded?

Why is one jury called the grand jury, the other the petit jury?

Why make use of a wheel in drawing a jury panel?

What is meant by subpoenaing a witness?

How is a petit jury selected?

Why is there such a thing as a peremptory challenge of a juror?

CHAPTER XIII

THE JUDICIARY (II)

Wherein the Judicial Power is Vested.—The judicial power of the Commonwealth is vested (101) in a supreme court, a superior court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish. The superior court named in order above was established by the General Assembly in 1895 through the exercise of the power conferred by the constitution.

Jurisdiction Defined.—In its most general sense, *jurisdiction* is the power to make, declare, or apply the law. It may be limited to place or territory, to persons, or to particular subjects. When used in regard to the judiciary department, it means the judicial authority over a cause or class of causes. It is the legal power, right, or authority of a particular court to hear and determine causes, to try criminals, or to execute justice. A court of justice is said to have *original* jurisdiction when a case may be begun or originated in that court. The decision or judgment of any court of justice, except the highest in the system, is not necessarily final. Many cases tried in the lower courts, as courts of original jurisdiction, may be appealed to the higher courts for reconsideration. The higher courts, under such circumstances, are said to exercise *appel-*

late jurisdiction, the case being brought to the higher court by appeal. The law defines the grade of court or courts in which a case may originate; and also determines whether or not a case may be appealed to a higher court. The law provides that some classes of cases may originate in either of two grades of courts. Such courts are said to have *concurrent* jurisdiction.

Justices' Courts.—The courts of lowest grade in jurisdiction and simplest in procedure are the justices' courts, presided over by justices of the peace, burgesses, aldermen, magistrates, and mayors. These courts are discussed at length under their respective headings: township, borough, and city governments.

County Courts.—Counties were organized from the first on the general plan of judicial districts, although each county is not necessarily a separate district; yet each county has its own courts. Under the laws of the Commonwealth, the county courts have wide original jurisdiction over nearly all civil and criminal cases that arise in the course of the affairs of life. Their appellate jurisdiction extends over the greater part of the petty cases over which the justices' courts exercise original jurisdiction. .

Courts of common pleas, of quarter sessions of the peace, of oyer and terminer and general jail delivery, and orphans' courts, are held regularly in each county seat, and are conducted in large part by county officers. The court of common pleas exercises jurisdiction in all civil cases. The terms of the two criminal courts—oyer and terminer, and quarter sessions of the peace—are identical; they have the same officers and jurors, and differ only in the nature or degree of the cases brought before them. The court of oyer and terminer—"to hear and to determine"—has jurisdiction in cases

of murder, forgery, robbery, burglary, arson, and other grave crimes. The court of quarter sessions of the peace exercises jurisdiction in cases of petty crimes, such as theft, assault and battery, etc. The orphans' court settles the estates of deceased persons, and has jurisdiction over the estates of orphans and other wards. The terms of the several courts usually begin at the same time and are held by the same judges (109). In large counties the terms of orphans' court are arranged for independently, but elsewhere they are held in connection with the other courts.

Juvenile Courts.—Under the Act of May, 1901, judges of the county courts may establish *juvenile courts* in which cases with a criminal tinge, involving children under sixteen years of age as culprits, may be considered. An order is made by the courts of oyer and terminer and the courts of quarter sessions naming one or more judges of their number to preside over children's court, and designating the place for the trial of cases. The law is intended to dissociate the trial of children from those of adults, for the moral effect. Besides providing for court proceedings against children, the juvenile court has power to regulate the treatment and control of unfortunate children. A prominent feature of these courts is found in the probation officers who aid the court officers in investigating the cases which arise. Their duties are numerous, and in criminal cases these officers look after the children and take the place of the sheriff. The detention of children in jails or prisons where adults are confined is forbidden. Actions concerning children are brought directly before these courts, and not before magistrates. Any responsible person may enter juvenile court and report the condition of neglected children. The court is empowered to take children from their homes and place them in charitable institutions.

Women interested in charitable work are often appointed probation officers. One difficulty found in the work of these courts is the lack of any provision for places of detention. Notwithstanding its defects the law establishing these courts has amply proved its usefulness, and it will continue to be the means of dealing with young offenders in a manner calculated to prove beneficial to them and to the Commonwealth. The methods which these courts provide are a great improvement upon those formerly used in such cases.

Judicial Districts.—The State constitution provides (105) that whenever a county contains 40,000 or more inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges as the business of the district may require. Under this provision most of the counties form separate judicial districts. Counties containing a population less than is sufficient to constitute separate districts are formed into convenient single districts, or, if necessary, may be formed into joint districts of two or more counties in each (104).

The present judicial districts were established by the Act of Apportionment of 1901; the number of judges to be elected in each district is also therein stated. There are fifty-six districts. The city and county of Philadelphia constitutes the first district; it has fifteen judges in the common pleas, and four in the orphans' court. The county of Allegheny forms the fifth district, and has nine judges in the common pleas and three in the orphans' court. Three districts have three judges in the common pleas and one judge in the orphans' court. Four districts have two judges in common pleas and one judge in orphans' court; seven districts have two judges for all courts. The other districts have one

judge each. As to territory, seven districts are composed of two counties each, and two districts of three counties each; in all other cases the county is the judicial unit.

County or District Judges.—The judges of county courts are elected by the qualified voters of the entire judicial district at the municipal election. They enter upon their duties on the first Monday in January next after their election. Judges are commissioned by the Governor and take the oath of office (132) required of all judicial, State, and county officers. The president judge of a district is the one whose commission expires at the earliest date. But when two or more judges are elected at the same time in any district (117), they determine by lot which shall be president judge; unless the president judge is reëlected, in which case he continues as president judge of that court. Judges are elected for a term of ten years, and hold office during that time unless removed through misbehavior (115). Casual vacancies are filled by appointment made by the Governor (125). The regular salary of a county judge, in a district of less than 90,000 population, is \$6,000; in Philadelphia, \$11,000; in Allegheny county, \$11,000; in Dauphin county, \$9,000; in districts having over 90,000 inhabitants and less than 250,000, \$7,000; and in districts having over 250,000 inhabitants and less than 500,000, the salary is \$8,500. During their continuance in office, judges must reside within the districts for which they are elected (119). Mileage is allowed for all necessary travel.

Duties of County Judges.—The duties of a judge are numerous, and call for superior qualifications and abilities. His chief duty is to preside at the trial of civil and criminal cases. He must see that the trial is impartially conducted; must hear the evidence, and decide the points of law raised

during the trial; and deliver the charge to the jury with instructions as to the making up of the verdict. Judges are not to charge juries with respect to matters of fact, but may state the testimony and declare the law.

Among the other duties are the declaring of judgments, the sentencing of convicted persons, the granting of petitions, the holding of juvenile court, the appointment of probation officers, the removal of certain officials, the issuing of naturalization papers, the staying of executions, and the chartering of corporations not for profit; also the issuing of writs of injunction, *certiorari* (110), *mandamus*, *quo warranto*, and *habeas corpus*.

Associate Judges.—Counties with less than 40,000 inhabitants may be formed into joint judicial districts of two or more counties each. Each of the counties forming such a district has two associate judges not learned in the law. These men need not be, and generally are not, lawyers. The district elects one judge learned in the law, who is the president judge, and who holds court in the counties of his district in turn. Associate judges have the same powers as the president judge, but rarely exercise any but a few of them. They administer oaths, grant licenses, establish new roads, issue writs of *habeas corpus*, stay writs of execution, and conduct similar judicial business. Since they reside in their respective counties, their services are a convenience during the absence of the president judge. In court they are mainly advisory members on the bench. Being citizens of the county, they know the people and the needs of the county. The term of office of associate judges is six years, and their salary is five dollars per day when actually engaged in the performance of their official duties. The proper basis of salary is the time of their attendance at court.

Recording Officers of Courts.—Certain county officers, whose duties are noticed under the discussion of the county government, are charged with the duty of preparing and preserving the records of the courts, in order that the matter may be preserved for future reference and use in appeals and other legal business. The recording officers are the prothonotary and the clerk of the courts. Justices' courts, not being courts of record, have no clerks; but the justice keeps a docket.

Ministerial Officers.—Other officers of the courts have for their duty the performance of certain work of a ministerial nature, such as the serving of writs, the summoning of witnesses, the execution of orders, etc. The sheriff is the chief ministerial officer of all the county courts. Minor ministerial officers are the court crier, who proclaims the orders and the directions of the court; also the tipstaff, a constable who preserves order and may perform the duties of court crier. In justices' courts, the ministerial officers are the township, borough, ward, or city constables or policemen.

The Higher Courts.—The judicial department is the proper organ for interpreting and construing the laws of the State. When disputes arise concerning the meaning of a law in special cases, or there is doubt whether a law is constitutional or not, appeal must be made from a lower court to a higher court. Such higher courts may have both original and appellate jurisdiction, civil and criminal; but the original jurisdiction is generally very small. By establishing the supreme court, the State constitution provides directly for a court of final appeal; but it confers upon the General Assembly (101) the power to establish additional courts whenever the necessity shall arise. In 1895, for the purpose of

relieving the supreme court of a part of its large business, the superior court was established as a court of intermediate appeal between the county courts and the supreme court of the State. The wisdom of this action is abundantly borne out in the resulting facility with which the judicial business of the Commonwealth is accomplished. The judicial power of the State now begins in the justices' courts and ends in the superior court or in the supreme court.

The Superior Court.—This court consists of seven judges elected by the qualified voters of the State. The term of office is ten years, and begins on the first Monday of January after the election. When two or more judges of the superior court are to be elected for the same term of service, each elector may vote for as many persons less one as there are judges to be chosen at that election.

The jurisdiction of the superior court is almost wholly appellate, the sole evidence of original jurisdiction being the power to issue writs of *habeas corpus*. The court has exclusive and final appellate jurisdiction in all cases of appeal from the courts of quarter sessions, except cases in which the right to public office is involved; also, in all cases of appeal from the courts of oyer and terminer, except murder (124). The appellant must first obtain permission from one of the judges of the superior court before an appeal can be taken. In civil matters, its jurisdiction is exclusive and final when the amount is not greater than \$1,000, except cases brought officially by the attorney-general or those which relate to public officers. However, there may be an appeal from the superior to the supreme court in any case in which the jurisdiction of the superior court is questioned; or the construction and application of the State constitution is involved; or the Constitution of the United States or its statutes involved; or

any case which the supreme court will permit to be brought on appeal before that tribunal.

The superior court sits at Philadelphia, Pittsburg, Harrisburg, Scranton, and Williamsport, at least once a year in each city. It has five prothonotaries. The chief judge of the superior court is the one who has been longest in commission. The salary of the judges is \$12,000 per annum. The salary of the president judge is \$12,500.

The Supreme Court.—The court of final appeal is the supreme court (102). The State constitution provides that this shall consist of seven judges who shall be elected by the qualified voters of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The term of office commences on the first Monday of January next succeeding the election, and the Governor commissions accordingly. Whenever two judges of the supreme court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected (116). Priority of commission in such cases is determined by lot (117). The judge whose commission shall first expire shall be chief justice (102). During their continuance in office, the judges of the supreme court must reside within the Commonwealth (119).

The salary of the chief justice is \$13,500 a year, and that of the other judges of the supreme court is \$13,000. They can receive no other compensation, fee, or perquisite (118).

Jurisdiction of the Court.—The territorial jurisdiction of the supreme court is coextensive with the State. By virtue of their offices, the judges are justices of oyer and terminer and general jail delivery in every county in the State, and

could hold such court in any of its counties (103). The original jurisdiction of the court is relatively small and relates to cases of injunction where a corporation is a defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth having jurisdiction extending over the State. The court has appellate jurisdiction by appeal, *certiorari*, or writ of error in all cases, as is now or may hereafter be provided by law (103). An appeal to the supreme court may be made by either party to a civil suit. In order to check numerous and unnecessary appeals in criminal cases (124), the defendant must first obtain permission from one of the judges of the supreme court before the case can be appealed to that tribunal.

When we consider the State courts as a system, commencing with the lowest and ending with the supreme court, it is found that their jurisdiction, both civil and criminal, is unlimited in so far as State law is concerned. There is no appeal from the decisions of the State courts to the United States courts, except in cases in which some point in Federal law arises. In some cases the State courts have concurrent jurisdiction with the United States courts; but whenever the State courts have such jurisdiction, it is control which the State possesses in its own right, independent of the Constitution of the United States.

The Case on Appeal.—The manner of trial of a case on appeal to either the superior court or to the supreme court differs entirely from the original method of procedure before the county courts. None of the witnesses are present, nor is there any jury. No new evidence is admitted. The records of the lowest courts, and the proceedings in the case are presented in printed form for examination. The court re-

views the case as thus presented, considers the arguments of the lawyers, made orally or submitted in the form of briefs, and then renders its decision. This must consist of the opinions of a majority of the judges of the court. These decisions are final, except where the Constitution or laws of the United States are concerned, and become the law for all subsequent cases of the same kind so long as they are not reversed. The reports of the decisions of the supreme court are second only to the acts of the General Assembly in importance to those who would know the State laws. The decisions are carefully compiled by the State reporter of the supreme court, and are published by the State.

The supreme court has three prothonotaries, and the State is divided into three districts, eastern, middle, and western. The court sits at Philadelphia, Harrisburg, and Pittsburg; these cities are the seats of justice respectively for the districts named. One term is held annually in each city.

An Honorable Record.—The salaries paid to the judges of the several courts in Pennsylvania are much higher than the average salaries paid in other States. The terms of office are also longer; that of the judges of the supreme court being exceeded only by the life tenure in Florida, Massachusetts, and Rhode Island, and by tenure in New Hampshire with retirement of judges at seventy years of age. These facts have enabled the Commonwealth to secure the services of better men as judges, and the Bench of the State has not been scandalized as elsewhere in the country. The roll of judges has within the past included men who would do honor to any court in any country.

Salaries.—The salaries paid to Pennsylvania judges are as follows:

Chief Justice	\$13,500
Judges of the Supreme Court	13,000
Judges of the Superior Court	12,000
Philadelphia	11,000
Allegheny County	11,000
Dauphin County	9,000
Districts with population from 250,000 to 500,000	8,500
Districts with population from 90,000 to 250,000	7,000
All other districts	6,000
Judges of the Orphans' Court receive the same salaries as are paid to the common pleas judges of the same county (highest)	11,000
State Reporter of Supreme Court	5,000

QUESTIONS

Name three important powers of the State judiciary.

What is the function of the State judiciary?

What is the meaning of trial by jury? When and where did it originate?

What is a grand jury? A petit jury? What is a panel? What is an indictment?

May a man plead his own case in court? May a person's acts be inquired into by the grand jury without his knowing anything about it? May grand jurors reveal the proceedings of the jury? Why?

Why not leave the questions of law to the jury as well as the questions of fact?

What are the names of the different State courts in this Commonwealth?

What is meant by original jurisdiction? By appellate jurisdiction?

Define each of the following terms: *quo warranto*, writ, jurisdiction, *habeas corpus*, *mandamus*, *certiorari*, and appeal.

Give an account of each of the various grades of State courts.

In what courts are the civil cases tried? The criminal cases?

What is the function of the orphans' court? Of the juvenile courts?

How are judges selected in this State?

What is the tenure of office of the county judges?

What is the salary of the judges in this county?

Who are the recording officers of the State courts? Who are the ministerial officers?

How are witnesses summoned to appear in court? Are lawyers officers of the court?

Where and when does the superior court of the State hold its sessions? How many judges in this court?

What is the jurisdiction of a county court? Of the superior court? Of the supreme court of the State?

What is the number of judges on the supreme bench of the State?

Which is the court of last resort in a State?

How does the trial of a case on an appeal to a higher court differ from the original trial?

Why should the term of office of a judge be longer than that of other officers?

What can you say about the record of our judges?

Where and when does the supreme court of the State hold its sessions?

Should the judges of the courts be elected or appointed? To whom would a judge of the supreme court of the State send his resignation if he desired to be relieved?

How many judicial districts in this State? Why not let each county constitute a judicial district? How many districts have more than one judge?

What provision does the State constitution make concerning separate judicial districts?

Discuss the topic "Trial by jury has outlived its usefulness."

Discuss the topic "Capital punishment is not justifiable."

Does a decision of the supreme court of the State of New York have any weight in Pennsylvania?

CHAPTER XIV

IMPEACHMENT AND REMOVAL: OATH OF OFFICE

Origin of Impeachment.—The provisions for the impeachment of public officers come from the custom which prevails in England. Since the times of Edward III. and Richard II., the House of Commons has occasionally exercised the power of impeaching the king's ministers and other public officers. One of Richard's ministers was impeached for corruption in office, and was convicted, although the king had declared previously that he would not, at the prayer of Parliament, dismiss even a scullion from his kitchen. To-day, the king's ministers are responsible to Parliament for their administration of office.

The Power to Impeach: Of Trial.—In the Commonwealth of Pennsylvania, the house of representatives has the sole power of impeachment (128), and the senate has the sole power of trial of the cases which arise (129). When sitting for that purpose, the senators are put upon oath or affirmation. In order to guard against the use of impeachment for political purposes, a two-thirds vote of all the members present is required for conviction. In case of conviction, the judgment cannot extend beyond removal from office and disqualification to hold any office of trust or profit under the Commonwealth; but whether acquitted or convicted, the

person is still liable to be tried and punished by the ordinary processes of law (130).

The Governor and all other civil officers are liable to impeachment for any misdemeanor in office.

Removal from Office.—All officers hold their offices on condition that they shall behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, except judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the appointing power (131).

Oath of Office.—Senators and representatives (132), and all judicial, State, and county officers must take the oath of office prescribed by the State constitution before entering upon their duties. It is administered by some person authorized to administer oaths. The oath is administered to members of the senate and house of representatives by a judge of the supreme court or of a court of common pleas, in the hall of the house to which the members are elected. The oath of a State officer or of a judge of the supreme court is filed in the office of the secretary of the Commonwealth; and in the case of other judicial and county officers, the oath is filed in the office of the prothonotary of the county wherein it is taken. Violation of the oath of office is perjury.

Public Officers.—All officers whose election is not provided for in the constitution, are elected or appointed as may be directed by law (168).

No member of Congress, nor any person holding or exercising any office under the United States can, at the same time, hold or exercise any remunerative office in this State (169). The Legislature may declare certain offices incompatible, as, for example, the office of judge and notary public.

Dueling disqualifies a person from holding public office, and he may be otherwise punished (170).

QUESTIONS

What is the origin of the impeachment of officers?

In what body does the State constitution vest the power of impeachment? In which branch of the Legislature is the sole power of trial vested?

What governmental principles are illustrated in the impeachment of a State officer? In the impeachment of a judge?

What offices are incompatible? What does the State constitution hold as to dueling?

What persons may be removed from office at the pleasure of the appointing power? Note the exceptions.

What is the oath of office? What is the penalty for its violation?

CHAPTER XV

SUFFRAGE AND ELECTIONS

Who may Vote.—The Constitution of the United States leaves to the different States the power to define the conditions upon which a person shall exercise the right to vote, called the *right of suffrage*, except that it expressly provides that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

Under the constitution of Penn'sylvania (133) there are three personal qualifications:

The voter must be (a) of the male sex, (b) at least twenty-one years of age, and (c) a citizen of the United States at least one month before the election. Aliens cannot vote, no matter how long they may have lived in the State. Women cannot vote, although they are eligible to any office of control or management under the school laws of the State (166). The ownership of property, and the ability to read and write, are not necessary qualifications of an elector. Besides the three personal qualifications there are three others relating to (d) residence, (e) payment of taxes, and (f) registration.

Residence.—To have the right to vote, the person must have resided in the State at least one year next preceding the date of the election; but if, having previously been a qualified voter or native-born citizen of the State, he shall have removed from the State and returned, then he must have been in residence six months immediately preceding the election.

He must have resided in the election district where he shall offer to vote at least two months next preceding the election (133).

Payment of Taxes.—If the elector is twenty-two years of age or upward, he must have paid, within two years, a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election. It is unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on the written and signed order of such elector authorizing such payment to be made. This order must be presented at least thirty days before the date of the election at which the elector desires to vote.

Between the ages of twenty-one and twenty-two a young man may "vote on age," that is, without having paid any tax. A man who has no real estate or other property taxable by county or State votes on payment of his occupation tax, a small sum collected by the county on the voter's occupation or business.

Registration.—Townships, and wards of cities or boroughs, form or are divided into election districts (143), and registry lists of the qualified voters are made. The duty of compiling this list devolves upon the assessor of the township or ward. This officer posts a copy of the list on the door of the house where the election for the district is held. Complaints of errors are received, and corrections made. The revised lists are returned to the county commissioners, who put the names in alphabetical order and furnish two copies to the election board of the proper district for use at the polls. One list is used by the inspectors of election who have charge of the ballots, to check off the names of voters as their ballots are furnished them; the other list is used to designate which per-

sons have voted. These are called the ballot check list and the voting check list respectively.

Privilege of Electors.—Except for treason, felony, or breach or surety of the peace, voters cannot be arrested during their attendance at the polls, and in going to and returning therefrom. This provision of the constitution prevents corrupt misuse of legal process (137).

Voting Room and Booths.—The county commissioners must provide for each election district a room fitted up with a number of voting shelves or booths at which the voters may mark their ballots secure from observation by others. A guard rail must also be so constructed and placed that only the persons within the rail can pass within six feet of either the ballot box or the voting shelves; yet the ballot box and voting shelves must not be hidden from the view of persons just outside the guard rail.

Time of Elections.—Two election days are provided for by the constitution. The general election is held biennially on the Tuesday next following the first Monday of November in each even-numbered year. At this time are elected National officers, State officers, and members of the General Assembly (134).

Elections for judges of the courts of the several judicial districts, and for county, township, borough, ward, city, and school district officers are held on the Tuesday next following the first Monday of November in each odd-numbered year (135). Judges of the supreme and superior courts may be elected at either a general or a municipal election.

Election Officers.—The officers forming the election board are chosen biennially by the citizens. This board consists of a judge and two inspectors; and each inspector appoints one clerk (146). Each elector has the right to vote for

the judge and one inspector. Minority representation on the board is thus secured in general, although it may happen that both inspectors may be chosen from one political party. These officers are sworn to conduct the elections secretly and fairly, and may be severely punished if this is not done.

The pay of election officers is three dollars and fifty cents for each election, without regard to time.

Cannot be Arrested on Trivial Charges.—Election officers are privileged from arrest (146) upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof for an election fraud, for felony, or for wanton breach of the peace.

The Ballot.—The constitution requires that all elections shall be by ballot (136) or by such other method as may be prescribed by law; provided that secrecy in voting be preserved (Amendment No. 3). The essential features of a good method of balloting are that the voter shall have every opportunity to select from all the candidates, free from solicitation, coercion, or bribery, the candidates of his choice; and that he may do this in private, and deposit his ballot without interference.

These advantages are secured in Pennsylvania by the use of the "Baker Ballot," a modification of the Australian ballot. The Ballot Reform Act of 1893 provides that all ballots cast in elections for public officers within the Commonwealth shall be only those prescribed by law and printed and distributed at public expense. The secretary of the Commonwealth prepares all forms and blanks, and furnishes copies to the county commissioners. The commissioners procure further copies at the cost of the county, and furnish them to the election officers or other persons by whom they

are to be used, in such quantities as may be necessary. The names of all candidates for any office specified on the ballot are printed on one sheet of white paper which must not be less than six inches long and four inches wide. All the ballots used at the same voting place at any election must be alike.

How the Names are Arranged.—The names of candidates for all offices, except President and Vice President, are arranged under the title of the office for which they are candidates in an order fixed by law. At the right of the name of each candidate the name of the party nominating him is printed, and at the right of the party name there is a square of sufficient size to allow the convenient insertion of a cross mark. At the end of the list of candidates there are also blank spaces wherein the voter may write the names of other persons for whom he may desire to vote. Whenever a constitutional amendment or other question is submitted to the vote of the people, it is printed after the list of candidates, and followed by the words "yes" and "no." On the extreme left of the ballot, and separated from the rest by at least one half inch, a list of the names of all the political parties represented on the ballot is printed, and a square for the insertion of a cross mark is placed at the right of each party name. At the head of each ballot the following instructions are printed: "To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column." "A cross mark in the square opposite the name of any candidate indicates a vote for that candidate." Other instructions how to mark,* and such words as "mark one," "mark two," and the like, may be

* "The voter may insert in the blank space at the bottom of each group the name of any person whose name is not printed on this ballot, for whom he desires to vote."

printed upon the ballots. The intention of the law is to give each voter a clear opportunity to designate his choice of candidates by a cross mark (X) in a square of sufficient size at the right of the name of each candidate. The courts have no jurisdiction to direct what instructions the county commissioners shall or shall not give to voters as to marking ballots.

When Presidential Electors are to be chosen, the names are arranged in party groups, and at the head of each group of candidates are placed the appropriate party name and the surnames of the candidates of such party for President and Vice President. At the right of the space containing the surnames of the candidates for President and Vice President, and their party name or political appellation, the usual square for the cross mark is placed, and also at the right of the name of each candidate for Presidential Elector.

Every party, which at the election next preceding had two per cent. of the highest number of votes cast for any State office, may have its candidates on the ticket. Independent candidates may also have their names placed upon it by presenting nomination papers signed by one half of one per cent. of the voters of the State for any State office; and, in case of any other office, by two per cent. of the highest number of votes cast for any office in the county, township, or other district for which the independent nomination is made.

Provision for Mistakes.—Each voter is provided with a ballot already folded. If he inadvertently spoil the ballot, he may obtain another by returning the spoiled one. Any ballots thus returned are immediately canceled; and at the closing of the polls are placed in an envelope, sealed, and sent to the proper office as required by law in the case of the ballots cast.

Specimen Ballots.—Copies of the form of the ballot pro-

vided are printed upon tinted paper, but without the facsimile indorsements seen upon the regular ballots. From these and from the printed instructions furnished, voters may learn how to mark their ballots.*

Officers and Watchers.—In order that the voter may be free from all solicitation, coercion, or bribery, the election laws clearly specify the places which voters, officers, and watchers shall occupy in the voting room.

Within the voting room, but outside the guard rail, are the police officers, constables, and deputy constables required by law to be at the polls. Each party or group of citizens having candidates up for election has the right to have three watchers appointed for each district. Only one such watcher for each party is allowed in the voting room at the same time, and then only outside the inclosed space. He must be provided with a certificate from the county commissioners, and is required to show it when requested to do so. No person when within the voting room is allowed to electioneer or solicit votes; nor can any written or printed matter for that purpose be posted up within the voting room. Not more than ten voters, besides the officers and watchers, are allowed in the room at any one time during the voting period.

Within the guard rail are the judge of election and the two inspectors who constitute the election board; also the clerks of election appointed by the inspectors (146).

Manner of Voting.—Any person desiring to vote gives his name and residence to one of the election officers in charge of the ballots, who at once announces the name in a loud and distinct tone of voice. The inspector or clerk in charge of the ballot check list looks for the name, and, if it is found upon

* These specimen ballots may be made useful aids to the teacher in the classroom in explaining the procedure in elections.

the list, he repeats the name and the voter is admitted within the guard rail unless his right to vote is challenged.

As soon as the voter is admitted within the guard rail, the election officer in charge of the ballots detaches a ballot from the stub, folds it so that only the words printed on the back are visible, and hands it to the voter. As soon as the ballot is thus given to the voter, the letter "B" is marked against his name on the margin of the ballot check list. The voter retires at once to one of the voting shelves or booths, draws the curtain or shuts the door, unfolds the ballot and without unnecessary delay shows his choice of candidates by marking. If he wishes to vote a straight ticket, he makes a cross (X) in the appropriate square opposite the name of the party of his choice in the straight party column on the left of the ballot, and such cross mark is equivalent to a vote for every candidate of the party so marked. If he desires to divide his vote among candidates of two or more parties, he must mark in the appropriate square opposite the name of each candidate for whom he may desire to vote. He may insert in the blank spaces provided therefor any name not already on the ballot. In case of a question submitted to the vote of the people, he places a cross (X) against the answer he desires to give. A cross mark in the straight party column counts as a vote for each Presidential Elector nominated by that party, but if the voter desires to divide his votes among candidates from different groups, he must make a cross mark to the right of the name of each Elector for whom he wishes to vote. Before leaving the voting shelf, he folds the ballot without displaying the markings thereon, in the same way it was folded when received by him, and keeping the same so folded, himself deposits it in the ballot box without undue delay, and immediately thereafter retires from the inclosed space. The

voter's name is then checked with the letter "V" on the margin of the voting check list by the election officer having charge of this duty.

Nonregistered Voters.—Although electors in cities must be registered in order to vote, yet in boroughs and townships they may claim the right to vote even though not registered. The person thus claiming the right to vote must produce at least one qualified voter of the district to subscribe, under oath, that the claimant has resided in the district for two months immediately preceding the election (133); the claimant must also make oath or affirmation that he is a qualified voter under the required conditions.

A Challenged Vote.—Although the name of a proposed voter may be on the list, any of the officers or any qualified citizen of the district may object to the admission of the vote. When the right of a person to vote is thus questioned, the vote is said to be challenged. The person whose right of suffrage is thus challenged must publicly make proof of his claims as required by law before his vote can be received.

What Residence Means.—By the residence of a voter is meant his place of abode or his permanent home. For the purpose of voting, no person can gain a residence by remaining in a place for temporary purposes of business, pleasure, or education, no matter how long he may prolong his stay.

Registration in Cities.—The Legislature by the Act of February, 1906, provides for the personal registration of voters in cities of the first and second classes, and makes such registration a condition of the right to vote at an election. The Governor appoints a board of registration commissioners for each of such cities, consisting of four members, not more than two of whom may be of the same political party. These commissioners, thus appointed, hold office

until their successors qualify. The board appoints, not later than August fifteenth of each year, four registers for each election district. Not more than two of these can be of the same political faith. No public officer or candidate for such office can act as register. The registers of each division meet at the polling place on the ninth Tuesday, seventh Tuesday, and fourth Saturday preceding every general election, and on the fourth Saturday preceding every municipal election; and, in open session from seven o'clock in the morning until ten o'clock in the evening, receive personal applications from persons claiming the right to be registered. Every person claiming the right to vote must appear in person before the registers, in the election district in which he lives, before every general election, and answer the questions put to him by them. These answers are recorded in two registers, the size and character of which is determined by the secretary of the Commonwealth according to certain forms which the law specifies. Severe penalties are attached to fraudulent actions of either the registers or voters in all matters pertaining to registration.

In the Act of March, 1906, provision is made for personal registration in all cities of the third class. The county commissioners in which the city is located appoint two registers for each election precinct or ward, to serve for four years. The board of registers must be, as nearly as possible, evenly divided in political faith. The size and character of the registers used are determined by the county commissioners according to the forms set forth in the law. The process of registration is similar to that in the cities of the first and second classes. Registers are appointed not later than June fifteenth. They meet at the polling places on the ninth Tuesday, seventh Tuesday, and third Saturday preceding

every general election, and on the third Tuesday preceding every municipal or local election. The registration sessions are open from eight in the morning until one o'clock in the afternoon; then from two o'clock until six in the evening; and also from seven o'clock until ten at night of each registration day.

Under the operation of these laws, hereafter, in all our cities it will be known in advance of the election how many votes can be cast, and who will have the right to cast them. And the result will be that the elections will be purer and more honest than ever before in our history. Those citizens who have sufficient intelligence to place a proper value on the right to vote will see that the right is secured to them through registration. Those who have not will probably give the matter no attention, and it is just as well that they should not, for the community is better off with them disfranchised.

Bribery.—The giving or the receiving of a bribe for a vote is a misdemeanor punishable by fines and imprisonment (140). In addition to these penalties, any person convicted of a willful violation of the election laws is excluded from the right of suffrage, absolutely for four years; and, if a candidate for office, he becomes forever incapable of holding any office of trust or profit within the gift of the Commonwealth (141).

Counting the Vote.—After the polls are closed, and before the ballot boxes are opened, all the lists of voters used must be placed in separate sealed covers properly marked; also the stubs of all the ballots used, together with all unused ballots, must be inclosed in a sealed package properly designating the voting place. The inspectors then proceed to open the ballot box and audibly count the votes, observing the precautions against unfairness which the law prescribes. The counting must not be postponed nor adjourned until fully

completed. The ballots are kept within the unobstructed view of those persons within the voting room who are outside the guard rail. It is unlawful for either judge or inspector, while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

The law gives certain regulations relating to the counting of ballots imperfectly marked; but since it is clear in its directions for marking ballots, voters should adhere strictly to the instructions given in order that their votes may be effective.

Election Returns.—The result of the voting must be publicly and fully announced as soon as the votes are counted. The election officers then make out and sign a full return in triplicate copies. A copy of the returns is delivered to the prothonotary before two o'clock of the next day, and he presents the returns to the judge or judges of the court of common pleas at noon of the second day after the election. The judges, after computing the returns received, make out their conclusions in duplicate. They give certificates of election, under the court seal, to the proper persons.

One of the triplicate copies is sent to the secretary of the Commonwealth, and this officer presents to the Governor the returns of the elections of all the township and county officers to whom commissions are to be issued.

Returns of the election of Governor are sent to the president of the senate for computation and publication; those of the election of State senators are transmitted to the senate; those of representatives are sent to the house of representatives. A board consisting of the Governor, the president judge of the twelfth judicial district, the president *pro tempore* of the senate, the speaker of the house of representa-

tives, four senators, and four representatives computes the returns of the election of State treasurer and auditor-general.

Ballot Boxes.—As soon as the election is finished, the tickets, list of taxables, one of the lists of voters, one of the tally papers, and a copy of the oath or affirmation taken by the officers holding the election, must be deposited in the ballot box; and such box being closely bound round with tape, and sealed by the election officers under their signatures, shall be deposited in the custody of the person legally authorized to care for it. Unless required by court in settlement of contested elections, the box must not be opened until the morning of the next ensuing election. After the officers have been duly sworn, the ballot box is opened, and the contents must be burned and totally destroyed.

A Plurality Sufficient.—A plurality of votes elects a candidate for any office; a majority is not necessary.

A majority is the number by which the votes of a successful candidate exceed those for all other candidates taken together. A person elected by a majority must receive more than half the votes cast.

A plurality in elections means the excess of the votes cast for one candidate over those cast for another, or for any other, candidate. When there are more than two candidates, the one who receives the plurality of votes may have less than a majority.

In the election of Governor in 1910 the vote stood:

John K. Tener	412,856
William H. Berry	376,727
All other candidates	203,730
<hr/>	
Total	993,313

In this election 496,657 votes would have constituted a

majority. Tener, therefore, lacked 83,801 votes of having a majority; but he had a plurality of 36,129 votes over Berry, and was thereby elected, although a "minority Governor."

New Naturalization Law.—The Naturalization Law of 1802, enacted under Jefferson, was based upon enlightened principles, and has remained in force for more than a century. These principles, which should never be lost sight of, are that an alien of good moral character, arrived at man's estate, attached to the principles of the Constitution, may be admitted to citizenship if he has lived in the United States continuously for five years. If to these requirements were added a prohibition against the admission of any one to naturalization who does not intend to make the United States his permanent residence, the system would be complete. Surely we should welcome into our body politic any one to whom belong the attributes of good character, permanent residence, and loyalty.

But this law, however excellent in principles, was defective in that it did not provide means to prevent its abuse. Prejudices against foreigners on the one hand and the fear of too rigid limitation of immigration on the other have prevented the devising of means to check fraud in the operation of this system of naturalization.

The Naturalization Law of 1906 provides that duplicate petitions must be sent to the Bureau of Immigration and Naturalization, thus bringing naturalization for the first time under Federal control. The application is made, as heretofore, to the clerk of the court of common pleas, but public notice of the application must be posted for at least ninety days. The case is then heard by the judge in open court, and the United States attorney has the right to appear and examine the applicant and witnesses. Applica-

tions for citizenship must be signed by the applicant, who must be able to speak the English language. He must furnish very definite and specific information regarding himself, and the clerk of the court is liable to heavy penalties for receiving an application lacking in this respect. Two witnesses are required instead of one as under the Act of 1802. No person can be naturalized within thirty days of any general election even if the ninety days have expired. An important feature of the law is that a person having been naturalized and later taking up a residence in a foreign country, will have his naturalization certificate canceled. The applicant must swear that he is neither an anarchist nor a polygamist, and that he intends to become a permanent resident of the United States. He must also declare on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces all allegiance to any foreign power. Among the points in the information furnished by the applicant are: his name in full, place of residence, occupation, date and place of birth, date of immigration and name of vessel, as well as equally specific facts concerning his family.

We should welcome to the privileges of American citizenship all persons who can appreciate that right, and are willing to learn our language, customs, and laws. It is the duty of the government not only to enact laws that will keep out of our country anarchists, criminals, and paupers, but to seek still higher standards of naturalization. The courts cannot be too careful in granting naturalization papers. The purity of elections has often been destroyed by the large number of illiterate and degraded foreigners admitted to citizenship without possessing the essential qualifications for the intelligent exercise of the franchise.

QUESTIONS

What is the right of suffrage? Is it a natural or a civil right?

What does the State constitution say about voters or electors?

What requirement is made in this State in regard to the payment of taxes?

Name three qualifications that a voter at our State elections must have.

When may a young man "vote on age"?

What are the regulations in Pennsylvania in reference to registration? Why is a residence qualification required?

Are paupers permitted to vote in this State?

Does the right to vote in this State depend in any way upon the payment of any kind of taxes? Do all who pay taxes have the right to vote?

When is the general election held in Pennsylvania? When are the local officers chosen?

What privileges have voters during attendance at the polls?

Describe the voting room and booths. Name the election officers. Give the general duties of inspectors of election.

Bring into the class room a sample ballot. How are the names arranged?

What principles of our government are illustrated in an election?

Describe the Baker ballot, and state the manner in which the names are arranged upon it. What provision is made for mistakes? Describe the manner of voting.

How is the voter protected from solicitation, coercion, and bribery? Discuss officers and watchers.

If an elector own land in several States, can he vote in them all? What facts determine his legal residence? What is meant by the term residence?

What is meant by registration? Who compiles the lists? State briefly the manner of registration in cities. What provision is made for nonregistered voters?

When is a vote said to be challenged?

What are the purposes of registration?

How much better is the bribe taker than the bribe giver? What is the penalty for bribery?

How is the vote counted and the return made? Discuss the ballot boxes.

What is meant by the term a majority? A plurality? Illustrate.

Make a brief statement of the new naturalization law (1906).

How do the rights of citizens differ in the several States? Describe the process of naturalization.

How may a foreigner become a citizen?

Point out a few of the benefits an honest politician can confer upon the people.

What is a "straight ticket"?

What arguments would you advance in favor of registration of voters?

Give an account of the process called naturalization.

Name three qualifications that a voter at our State elections must have.

If an elector own land in several States, can he vote in them all? What facts determine his legal residence?

Are you eligible to the State Legislature? If not, what legal qualifications do you lack? Could a member of the General Assembly be elected Governor or United States Senator?

At the last election did you preserve any of the sample ballots? Could you secure any of the ballots that were actually used in voting? Why?

If two persons claim the same seat in the State senate, who will decide between them? Can you secure from your representative any of the regular reports of the proceedings of the Legislature?

CHAPTER XVI

PARTIES AND NOMINATIONS

Parties.—Under all governments which grant any considerable degree of freedom, there will arise parties differing in their ideas of government policies. Thus, as soon as the Constitution of the United States was adopted and the government organized, and, indeed, long before these events, people began to have different ideas concerning their rights and duties under the plan of government; so political parties were organized.

This political machinery is the creation of voluntary effort and not of public law, yet such has been its influence that the people to-day govern themselves almost entirely through the agency of political parties. A party may be defined as a body of electors having distinctive aims and purposes, and united in opposition to other bodies of electors in the community or political division in which it exists.

In order to control public policies and affairs, a party must succeed in electing to the public offices persons chosen from its ranks; and, in a highly strenuous nation, like our own, it was soon discovered that in politics, as in war, organization and discipline are much more effective than mere numbers working without concerted action. Thus, to accomplish the election of its members to the various offices within the gift of the people, there has resulted, within each party, a system of party machinery, firm yet flexible, and

working well in its general results, since by its aid the body of voters is bound together for the accomplishment of their purposes. So it has come about that each great party has its National, State, district, and county conventions and committees, with rules of procedure for all of them. One essential feature of a party system is that it is strictly representative in its nature. Each voter has, to some extent, an opportunity to share in the selection of his candidates and to determine the platform of his party. By such means candidates are selected and political campaigns conducted. If good men concede primary political control to those who use it for selfish ends, such men are to blame for the selection of unworthy men for important public trusts.

Nominations.—A candidate is a person who seeks some office or privilege, or who offers himself for the same. In order to secure some chance of election, however, his name must be presented for position upon the official ballot. This selection of the candidate is called nomination. The right of a voter to select his own candidate for any office at the actual moment of voting is not denied, but such candidate could stand little chance of election. In this State, under the Acts of 1881 and especially the Ballot Reform Act of 1893, the existence and operation of party machinery in the forms of primary elections and conventions of delegates is recognized. Practically the whole system of primary elections has been placed under the protection of the law.

Primary Elections.—In every election district the voters of each party have two important duties to perform. One is to nominate their own party candidates for the local offices: township, borough, ward, and county. The other duty is to select delegates to conventions held for the purpose of setting forth the principles of the party, to look after its

interests, and to nominate candidates for larger voting areas.

The terms "primary election" and "caucus" have often been used synonymously, but the term caucus is now more often used to denote a private meeting of delegates or legislators, held prior to an election, for the purpose of settling upon plans of action.

Methods of Nomination.—Two methods of nominating candidates for county offices have been used in Pennsylvania. The one which is in most complete accord with the principle of government by the people is an extension of the primary election as conducted in the township or borough to the greater area of a county. The voters who attend the primaries vote directly for the candidates of their choice, and the ones receiving the highest number of votes in the entire county become the nominees of the party. This deservedly popular method is called the "Crawford County System" after the name of the county in which it originated. The Uniform Primaries Act of 1906, extended this method throughout the State.

The other method of nomination is by a convention,—or the "delegate system." At the primary elections, delegates to the county convention are selected. These formerly nominated the county officers, and also selected the delegates to the district and State conventions; but the Act of 1906 takes away this function. At such conventions committees are created, and rules of procedure determined; often resolutions expressive of certain political sentiments are expressed.

Uniform Primaries.—Pennsylvania is one of the States which has placed primary elections under the control of the law, and insists that they shall be conducted as regularly and

as honestly as other elections are conducted. It is a duty which we owe to good citizenship to give the primary election laws our heartiest support, for the primaries are the springs in which the great stream of politics rises, and that stream is pure or impure according as its source is pure or impure.

The General Assembly has provided that uniform primaries shall be held in every election district in the Commonwealth in which nominations are to be made, or delegates or party officers elected. At these primaries, held a considerable time before the general or the municipal elections, delegates to State and National conventions and candidates for all offices to be filled at general and municipal elections are chosen. Party officers, such as members of the county committee and any other officers that are provided for by the rules of the several parties are also chosen at these primaries.

The law does not prevent the nomination of candidates by nomination papers as provided for by existing laws. Neither does it apply to the nomination of Presidential Electors, nor to the nomination of candidates to be voted for at special elections to fill vacancies; but it does not prevent the nomination of Presidential Electors at primaries, if the rules of the parties so provide.

Official primary ballots must be prepared by the county commissioners for each party casting two per centum of the largest entire vote cast for any candidate at the last general election. These ballots are printed on white paper of uniform quality, and are of uniform size, style of printing, and general appearance. On the back of each ballot the name of the party is printed in prominent type.

The names of candidates are placed upon the ballot of a party, on the filing of petitions containing the signatures of certain specified numbers of qualified voters of that party

within the election district. Primary elections are held by the regular election boards, on the last Saturday of September in odd-numbered years, and in other years on the second Saturday of April, and are conducted in conformity with the general election laws. Expenses are ultimately paid by the State. Polls are open from two to eight o'clock postmeridian. Returns of the results of the primary elections are made to the county commissioners on or before noon of the following Tuesday. At noon of the next day the commissioners must publicly commence the computation and canvassing, and continue the same from day to day until completed. Severe penalties are attached to violations of any of the provisions of the Uniform Primaries Act.

Candidates for offices of the Commonwealth, to be voted for by electors of the State at large, are nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the votes of the party electors at the April primary are the delegates of the respective State and National conventions. The State conventions must be held not later than one week after the date of the primary, in accordance with the rules of the respective parties.

State Conventions.—The State convention, as has been said, nominates the party candidates for the various State offices to be filled. It also nominates the Presidential Electors, and selects the delegates at large to the National convention. The State convention creates the State committee, consisting of one representative from each county, in reality selected by the delegation from the county. The State convention adopts a platform dealing with the main political questions of the day. It then adjourns *sine die*.

How Nominations are made Official.—Certificates of nom-

ination signed by the presiding officer and secretary of the State convention, and setting forth the nomination of candidates for Presidential Electors, congressmen at large, State officers, and district judgeships must be filed with the secretary of the Commonwealth.

The county commissioners must make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the secretary of the Commonwealth, who tabulates them and certifies to the county commissioners the result of the vote at least forty days prior to the election.

Nomination Papers.—In the interest of new parties and independent candidates, the election laws of the State provide for the nomination of candidates by *nomination papers*. These must have a certain number of signatures, be drawn up on certain blank forms furnished by the secretary of the Commonwealth, and filed in the proper offices as provided concerning certificates of nomination. Nomination papers for county, city, township, borough, and school district offices are filed with the county commissioners; those for other offices are filed with the secretary of the Commonwealth.

QUESTIONS

What is the origin of political parties?

Give an account of the development of party organization in the United States.

In what relation does the individual voter stand to his party? What is the relation of parties to the government?

What are the methods by which candidates are nominated? Give an account of the nomination of a candidate for sheriff; for Congress; for Governor; for President.

How are candidates for the General Assembly nominated? For mayor? How are Federal Senators nominated in this State?

What political party had for its platform: "The Constitution of the country, the Union of the States, and the enforcement of the laws?"

What part is socialism taking in the politics of to-day?

What is a primary? State briefly the Uniform Primaries Act of 1906.

Discuss State and National Conventions. What services do political parties render when they nominate candidates? Write a short paper on the topic, "National Conventions."

What are the advantages of the direct vote?

Should candidates and parties give an account of their election expenses?

Do you think that the government of the people of the United States would be a more perfect government if there were only one political party in the country? If not, for what reason?

CHAPTER XVII

TAXATION

A Sovereign Power.—Among the sovereign powers of a government, the power to tax the people is, in a sense, the fundamental one upon which all the others depend. The government is a great business enterprise maintained and operated by the people in order that certain important duties of general interest and benefit may be performed. Money raised for these purposes, which relate to the welfare of all the people of a country, is supposed to be paid by all of the inhabitants, each one furnishing his share; and the share which each one pays is his *tax*. The magnitude of the operation requires the expenditure of large sums of money, and a government to be stable and efficient must possess adequate power for the levying and collecting of its taxes. The State constitution assumes that the right to tax is inherent in the government. In accordance with the theory which prevails in this country, the power to tax is legislative in its nature, and can be exercised only by representatives elected directly by the people. Although all the members of both houses of the General Assembly are so chosen, all bills for raising revenue must originate in the lower house (59).

Taxes Defined.—Society cannot exist without government, and this cannot be carried on without revenue. A tax is a regular pecuniary charge imposed by government upon the people for its own support. Taxes are really portions of

private property which the government takes for its public purposes. The taxpayers should realize that they are simply paying for benefits received.

The Right to Tax not Unlimited.—The right of the government to levy and collect taxes is not unlimited. The State constitution restricts the amount of debt which the State and its subordinate local bodies may incur (157). Our great and wealthy Commonwealth, with a population now of about six and one half millions, fixes \$1,000,000 as the limit of the debt which may be created to supply deficiencies in revenue (153).

When money is borrowed for State purposes, the Act authorizing the creation of the debt must define the purpose for which the money is to be used, and the money must be used for that purpose, and for no other (154). The credit of the Commonwealth cannot be pledged to individuals or corporations, nor can the State become a joint owner in any company or association or corporation (155).

Direct and Indirect Taxes.—Direct taxes are those which are levied upon the persons, property, business, or income of those who are to pay them.

Indirect taxes are those which are levied upon commodities in the hands of manufacturers and dealers, and are paid in the end by the consumers as a part of the price of the articles. The most important indirect taxes are customs and excise duties. The indirect taxes do not, in general, give rise to as much complaint as the direct taxes, partly because the money which the citizen pays directly out of his own pocket is the only tax which he is quite sure that he pays at all.

The Constitution of the United States forbids the States to derive any revenue from duties upon goods imported or exported. In order to support its government the Commonwealth of Pennsylvania is, therefore, for the most part re-

stricted to a direct tax levied upon real estate and personal property.

Vesting the Taxing Power.—The orders of communities are State, county, city or borough, township, and school district. Each has its corresponding taxing authority, capable of fixing the tax levy within the limits prescribed by the State constitution. The power to levy taxes is vested in the General Assembly, the county commissioners, the city and borough councils, the township supervisors, the school directors, and the overseers of the poor.

Assessment.—This important step or process in taxing relates to the correct valuation and listing of the property, as the basis for fixing the amount which the individual taxpayer shall pay as his share of the tax. This work is performed by the assessors elected in the townships, boroughs, and city wards throughout the State. It is their duty to put a value upon all taxable property. Now the assessors will differ much in their estimates, and the returns will present many inequalities at the best. The persons who have the duty of revising these estimates are an important factor in the taxing system. A series of boards of equalization compare and revise the valuations made by the various local officers. They are the State board of revenue commissioners, the county commissioners, and the city boards of revision or boards of assessors. The main work of equalization is done by the State board of revenue commissioners, consisting of the auditor-general, the State treasurer, and the secretary of the Commonwealth. It is the duty of the board to ascertain and determine the just value of the property listed in the cities and counties, and to equalize and adjust the assessments as far as possible, so as to make the burden of taxation bear as equally as practicable upon all taxable property throughout the State. Similarly,

for the equalization of taxes, Philadelphia has a board of revision consisting of three members, elected as county officers, for a term of four years. An elector can vote for only two of the members. Cities of the second class have a board of five members, appointed by the mayor; and cities of the third class a board of three members elected by the qualified voters of the city. These are assessors sitting as boards of revision. The board of revision and equalization in a county is composed of the commissioners themselves, and they must qualify for their duties in this capacity by taking a special oath.

Collecting Taxes.—According to the taxing jurisdiction the levies are called State, city, county, borough, or township taxes.

The collecting of these taxes is done by the tax collectors of townships, the treasurers in boroughs, tax collectors and tax receivers in cities, and by county treasurers. Usually the township or borough collector of taxes receives from the individual citizen three distinct taxes: the State tax, the county tax, and the township or borough tax. Thus trouble and expense are saved in the process of collection, and the citizen sees on one tax paper all that he has to pay. The method of collecting the taxes, however, is not the same in all the counties of the State.

State Taxes.—The State taxes which are collected by county officers, and by them paid into the State treasury are: State tax on personal property; tax on direct and collateral inheritances; tax on writs, wills, deeds, etc.; commissions of notaries public; and licenses.

Besides the revenue from these sources, the State receives money from taxes on business corporations. The State cannot be a party to any agreement whereby the power to tax corporations shall be suspended or surrendered (152). Such corporations are required to pay the taxes directly into the

State treasury. The corporations are required to submit to the auditor-general sworn statements of the capital stock, number of shares, par value of shares, gross and net earnings, surplus, dividends declared, etc. The rates of levy upon these bases are prescribed by law. The State constitution is explicit regarding corporations, lest these powerful bodies should purchase from a pliant Legislature exemption from civic burdens (152).

County Taxes.—The taxes levied by the county commissioners for county purposes are laid upon real estate, upon certain kinds of personal property,—as business investments, domestic animals, furniture, etc.,—and upon occupations and polls. On the basis of returns made by the assessors, the county commissioners apportion the taxes to be raised for county use by the townships, wards, and districts. These taxes are collected by the regularly elected tax collectors. All persons who pay within two months are entitled to a five per cent. reduction, but all who do not pay within six months are charged five per cent. additional.

Township Taxes.—The supervisors, or commissioners, of a township can levy a tax, at a rate not exceeding one cent on a dollar, upon real and personal property, and upon certain occupations. The money is used in making and repairing bridges and roads, and for some other purposes. Upon the approval of two justices of the peace, the overseers of the poor may lay an assessment for a poor tax not exceeding one cent on a dollar. These taxes are collected by the regularly elected tax collector of the township, who gives a bond annually for the faithful performance of his duties. It is lawful for the supervisors and overseers of the poor, under certain conditions, either by themselves or by a person duly authorized, to collect the taxes by them laid.

Borough Taxes.—The rate of taxation in a borough is fixed by the council, and the expenses are under its control. The regularly elected tax collector furnishes each person, on the payment of taxes, with a numbered receipt containing the date, name, amount of tax, and district in which the taxpayer is assessed. The law requires that the tax collector shall send to the county commissioners, at least twenty days before election, lists of the persons who have paid taxes.

City Taxes.—The annual levy in cities is made by the select and common councils. Estimates of the amount required are furnished by the controller to the councils at the first stated meeting in January of each year, as a basis for fixing the levy and tax rate for the next fiscal year. The taxing processes may differ somewhat in cities of the different classes, but they now bear a close resemblance to each other, as well as to the methods employed in the counties and in the State itself. Some of the larger cities are, in population and wealth, equivalent to States in themselves. The forms of property upon which taxes are levied are varied, and the special purposes very numerous. The legislative powers of the city councils are not general like those of the General Assembly, but are limited by the charter of the city. In the case of the increase of debt beyond a certain amount, the State constitution requires the assent of the voters of the city at a public election (157).

The taxes levied in a city are much greater than those in rural districts, because of the great number of public institutions which the city is compelled to create for the welfare of its people. The care of the streets, the protection of the public health, the care of the poor, the equipment of a fire department, the maintenance of adequate police force to protect life and property, and many other public interests all tend to increase the taxes.

In addition to these natural causes of increase of taxation, there are others of a different character. The weakest point in the political management of affairs in this country is the question of city finance and city government. In our great cities a large part of the voters pay no direct taxes, and thus have no great interest in moderate taxation and economical administration. In regard to the city officials themselves, the great fault is that responsibility is so divided that it cannot be forcibly brought home to any one. Further restriction of the power of the State Legislature to interfere by special legislation with municipal government and the conduct of municipal affairs would seem to be necessary. Taken all in all, the forces that destroy true democratic government are most active in cities, and the defensive forces are most ill placed for resistance.

How the Taxes are Collected.—The collection of all taxes, except the so-called delinquent taxes, is in charge of the city treasurer. On and after the first day of November in each year, the city treasurer must place duplicates of taxes in the hands of tax collectors by him appointed. These officers are paid by councils, and exercise all the powers vested by law in the collectors of State and county taxes.

City Sinking Fund.—Every city must create a sinking fund, which shall be inviolably pledged for the payment of its funded debt (181).

School Taxes.—The question of school taxes and funds is discussed in the chapters on Education. The school district tax is levied by the board of directors, and collected by the stated tax collectors. Taxes are assessed and levied for school purposes upon real estate and personal property as provided by law. There is also an occupation or *per capita* tax of one dollar, assessed upon each and every male inhabitant of the

age of twenty-one years and upwards. The tax levy for school purposes in districts of the first class is fixed at not less than five nor more than six mills. In districts of the second class, the school taxes cannot exceed twenty mills on the dollar. Taxes in districts of the third and fourth classes cannot exceed twenty-five mills on the dollar, estimated on the total amount of the assessed valuation of all property taxable for school purposes therein,—that is, upon all property upon which the county taxes are levied and assessed. In all school districts of the second class, the school taxes are levied and assessed on the real estate and personal property therein as contained in the assessment made for city tax purposes. The total debt of any school district of the first class must not exceed two per centum of the assessed value of the property.

Certain Property Exempt.—All taxes must be uniform upon the same class of subjects within the jurisdiction of the taxing authority; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not held for private or corporate profit, and institutions of a purely public charity. Thus, under the laws enacted, court-houses, jails, churches, hospitals and other places of benevolence, and all institutions of learning are exempt from taxation; always provided that none of these be used for private profit (150).

Planting Shade Trees.—In the Act of 1907, the Legislature provided a system whereby townships of the first class, boroughs, and cities of the Commonwealth may have and enjoy something approaching systematic tree-planting. The commissioners of any township of the first class, or the councils of any borough or city, may provide for the planting,

protection, and care of shade trees. The cost of planting the trees is borne by the owner of the property in front of which the trees are planted. The expense of caring for the trees thus planted is paid by a general tax.

Roads: State Highway Commissioner.—The roads of Pennsylvania are generally poorly made, but the State is not exceptional in this respect. Supervisors are rarely skilled roadmakers, and their short term of office does not tend to fix responsibility nor lead to well-directed effort in road construction. The people have been unwilling to pay the taxes necessary to the production of good roads. Taxpayers, too, have the right to work out their road tax, and the highways have suffered from the efforts of inefficient laborers. However public sentiment has been aroused in the interest of improvement. Recent legislation reorganizes the State highway department and the initial appropriation is made for a chain of good roads which is to cover the entire State and cost not less than \$50,000,000. It is the first comprehensive system of road-building that Pennsylvania has ever attempted upon an adequate scale, and it is a matter of the greatest importance to place at the head of the highway department a man of ideas and executive capacity joined with the engineering and road-building experience. The State highway commissioner is appointed by the Governor for a term of four years. The Sproul bill recently signed by Governor John K. Tener (1911), calls for a system of seven thousand miles of improved highways connecting by about three hundred routes the various county seats and other important cities and boroughs of the State.

All persons using automobiles must procure licenses from the commissioner, and such fees are appropriated to the use of the department.

In the natural operation of the growth of a community the opening of a new road may become necessary. The making of such road must be recommended by a road jury of three men appointed by the court. If the court approves the opening of the road, the jury fixes the damages to private property. These are paid by the county, but the township pays the cost of making the road.

QUESTIONS

What may be called the fundamental sovereign power of a government? For what purposes are taxes levied? How are taxes levied by the State? For what special purposes are taxes levied in a township in Pennsylvania?

Why must taxes be imposed? What are some of the reasons why the liquor traffic must be regulated?

Show that taxation played an important part in the American Revolution. Where does the power to tax reside?

Distinguish between direct and indirect taxes. State the various authorities in whom the taxing power is vested. How are taxes levied by the United States? What means has the owner of real property for securing change in the assessment of his property?

How are taxes assessed? How collected? What property is exempt from tax?

What is an occupation tax?

How are the public schools in this Commonwealth maintained?

What is the nature of a sinking fund?

Discuss the office and powers of the State highway commissioner.

When has direct taxation been imposed in the United States?

A certain town wishes to construct a sewer system, but has no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which would be the better plan?

How does the tax collector know how much tax is due from each person? Who vote the taxes in a borough?

CHAPTER XVIII

CORPORATIONS

Origin.—The term corporation, as used in this country, is applied to an association of persons authorized by law to transact business under a common name and as a single person. The origin of these artificial bodies is generally ascribed to Roman law, but it is probable that the true original of corporations is to be found in the Middle Ages when cities, towns, and societies of tradesmen obtained charters from kings and feudal lords in return for money furnished their rulers. In these charters certain privileges and immunities were granted, sometimes for the protection of personal liberty, and sometimes of the nature of trade monopoly.

Classes.—Corporations are of two great classes: public and private. Public corporations are those which are formed as the instruments or conveniences of government, such as cities, boroughs, etc. Public corporations are often known as municipal corporations. Private corporations are those formed for the benefit and profit of the corporators, and of only incidental interest to the public. Two great classes are recognized under the laws of our Commonwealth: (a) corporations not for profit, and (b) corporations for profit.

How Corporations are Created.—The consent of the government is always essential in some form to the creation of a corporation. Formerly, many were created by special

charter from the Legislature; but by the present State constitution (52) the General Assembly is forbidden to pass any local or special law creating corporations or amending, renewing, or extending their charters. The Corporation Act of 1874 is the general law to which all corporations since then created owe their existence. The powers and privileges conferred have the same force and effect as if conferred and enjoined by special act of the Legislature. The courts of common pleas have the power to create: (a) corporations for the support of any literary, medical, or scientific undertaking, library association, or the promotion of music, painting, or other fine arts; and (b) the support of any benevolent, charitable, educational, or missionary undertaking. Corporations are also formed by the voluntary association of three or more persons under the general law, the filing of a certificate of organization with the secretary of the Commonwealth, and finally by the approval of the Governor. The charter of an intended corporation for profit must be subscribed by two or more persons, one of whom, at least, must be a citizen of the Commonwealth of Pennsylvania. Corporations of the first class cannot obtain corporate existence in the court of common pleas, and then obtain transfer to the second class with all the rights, privileges, and obligations of corporations for profit.

In the transaction of their business, corporations are subject to the same laws as persons. Their officers and agents are regarded, in law, as occupying the relation of servants to the corporations as masters liable for all damage or injury done to third persons by these agents in their business. It is in the nature of corporations to have a perpetual existence or succession, since the rights, duties, and privileges descend to the successive members of the corporation. Thus a body

corporate lives after the persons who first composed it are all dead. A borough or city incorporated two hundred years ago, is the same borough or city, although none of its first inhabitants are living. So a railroad or banking corporation may exist long after the death of all the original corporators. This capacity of perpetual succession is the characteristic feature of a corporation as compared with other societies. Corporate business is done under a corporate seal; and a common definition in law books describes a corporation as a society with perpetual succession and a common seal.

The General Assembly possesses the general right of supervision of the business matters of corporations. Under recent amendments to the general laws for the chartering of corporations, no charter can be granted to a corporation for the conduct of more than one kind of general business, and that must be clearly set forth in the charter.

The Term as Used in the State Constitution.—The term corporation, as used in the State constitution, includes all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships (194).

Powers of the Legislature.—The General Assembly cannot pass any general or special law for the benefit of any corporation unless that corporation shall thereafter hold its charter subject to the provisions of the State constitution (183). At the time of the adoption of the present constitution, all charters not represented by *bona fide* organizations and business became void (182). The Legislature can revoke or annul any charter, revocable in 1874 or since created whenever, in their opinion, such charter may be injurious to the citizens of the Commonwealth (191). The powers of corporations must not be increased, except under certain

conditions (183); and no law can be enacted which shall create, renew, or extend the charter of more than one corporation (191).

The State's Right of Eminent Domain.—The State exercises the right of eminent domain over the property and franchises of incorporated companies, the same as over the property of individuals (184). The police power of the State over all corporations is supreme.

Compensation to Individuals.—Municipal and other corporations which have the privilege of taking private property for public use must make just compensation for property taken, injured, or destroyed. All cases of appeal are determined by jury, according to the course of the common law (189).

Cumulative Voting.—Each member or shareholder in a corporation may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer (185).

Foreign Corporations.—No corporation (186) not incorporated under the laws of this State shall do any business in the State without having one or more known places of business and authorized agents in the same upon whom process may be served. It is not lawful for any foreign corporation to receive deposits or transact any banking business whatsoever, in this Commonwealth, until it has filed at the office of the commissioner of banking a certified copy of the statement, locating an office and naming an agent, as required by law to be filed in the office of the secretary of the Commonwealth.

Scope of Business.—No corporation can legally engage in any business other than that authorized in its charter, nor can it legally take or hold any real estate except such as is necessary and proper for its legitimate business (187).

State Banking Laws.—Every banking law (190) must pro-

vide for the registry and countersigning by an officer of the State of all notes and bills designed for circulation, and security for the full amount must be deposited with the auditor-general for the redemption of such issues. There are at present no State banks of issue. Charters for banks and savings institutions are issued by the secretary of the Commonwealth. No corporate body possessing banking privileges can be created without three months' previous notice as prescribed by law, nor can such charter be granted for more than twenty years (192).

Corporate Stocks and Bonds.—Corporations cannot lawfully issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness is void (188).

Telegraph Lines: Consolidation.—Corporations organized for the purpose, and individuals, have the right to construct and maintain lines of telegraph within the State, under the general laws enacted by the Legislature. The consolidation of competing lines is prohibited (193).

The Governor Approves: Bonus.—The Governor's approval is necessary to the granting of any charter of a corporation for profit organized under the general laws; and he issues letters patent to all corporations for profit created under the general laws of the State. A bonus of one third of one per cent. of the capital stock must be paid in full into the State treasury by all corporations, except building and loan associations, before papers can be filed or recorded in the office of the secretary of the Commonwealth, or letters patent can be issued by the Governor.

CHAPTER XIX

RAILROADS AND CANALS

Importance of Railroads.—The railroads of the State are the most important factor of all concerned in the commerce of the Commonwealth. Indeed, it is impossible to understand the domestic commerce of the State without a thorough knowledge of its transportation system. Without railroads, stagnation of business would result on all sides, and disturbed conditions would prevail throughout the State. The railroads are very important to those persons who depend upon their daily toil for their subsistence. The number of employees alone is over five hundred thousand, and there are at least two million persons who are sustained through the employment given by the railroads of Pennsylvania.

Public Highways: Common Carriers.—Although they are of great public utility, railroads are not properly public works, since in this country they are constructed and controlled by companies incorporated for the purpose. In one sense, railroads are public highways (195) and post roads. All railroad companies are *common carriers*, that is, they carry goods or passengers for hire. As such they are bound to carry in all cases when they have accommodation, if the fixed price is tendered; and they are also liable for all losses and injuries, except in cases of the act of God, as lightning, storm, etc., and public enemies, as in time of war. Railroads are not expected to carry dangerous freight. They are not

obliged to carry freight unless the charges are prepaid; and if the agreement is made to take payment at the end of the route, the goods may be held until the freight is paid. The right to have persons and property transported is equal to all (201), and no undue discrimination can lawfully be made in charges and facilities inside the State (197).

State has Right to Regulate.—Certain decisions of the Supreme Court of the United States have established the right of each State to restrict and regulate the business operations of railroad corporations within the limits of that particular State. It is also true that the State has the right to regulate the rates at which passengers and freight shall be carried by railroads; because such roads are public highways (195), controlled by corporations created by law, and therefore subject to the lawmaking power whenever it may choose to intervene (206).

Extreme Limitation not Probable.—Railroad corporations are useful in so many ways that any general decrease in the facilities for forming them is improbable; but special restrictions and taxes will increase. The usefulness of a railroad depends upon its public service:—its ability to conserve the convenience, safety, and economy of its passengers and shippers, as well as the prosperity of its employees and shareholders. The power of taking public property and franchises, now misused to a great extent, will be restricted and controlled. Through great railroad corporations, it is at present possible for one man to exercise power of a wholly irresponsible nature. A great corporation, skillfully managed, becomes dangerous to the rights of individual men. The old principle of the monarchy, banished from the field of government in our republic, asserts its strength in the important contests of industry and finance. There is nothing un-

reasonable in the desire of the people to regulate these immense corporations and trusts, and to restrict the range of their action.

Interstate Commerce Commission.—The Constitution of the United States gives Congress the right to regulate commerce between the States; and this covers the right to regulate and control the railroads in all matters pertaining to interstate commerce, even to fixing rates at which passengers and freights shall be carried. The Interstate Commerce Commission has succeeded in regulating railroad transportation and charges in many material respects. Congress has no authority to deal with a railroad lying wholly within the limits of one State; but all lines which lie in more than one State, and lines in different States which by connecting are worked together as one line, come directly under its legislation. The railroads themselves are benefited by the establishment of the Commission, for all discrimination, secret rebates, and special privileges are forbidden.

Powers of Common Carriers Limited.—No incorporated company doing business as a common carrier can lawfully engage in mining or manufacturing articles for transportation over its lines (199). But any mining or manufacturing company may carry its products on its railroad or canal not exceeding fifty miles in length. Nor can the president, other officers, or the employees of any transportation company be interested in the furnishing of materials and supplies to the company (200).

No Consolidation of Competing Lines.—The consolidation of parallel or competing lines is forbidden by the State constitution, and the officers of one company are restricted from serving as such in another. Juries decide whether companies are really managing competing lines (198).

Granting of Passes Limited.—The granting of free passes, or passes at a discount, to any persons except officers and employees of the company is forbidden. The strict enforcement of this regulation has put an end to an abuse which had assumed immense proportions (202).

A Great Railroad State.—Pennsylvania is, without doubt, the greatest railroad State, having 11,983 miles of railroad within its limits and a total mileage of 29,857 operated by its railroad corporations. The Pennsylvania Railroad is beyond doubt the greatest railroad system in the world. Its headquarters are in Philadelphia, and its lines reach almost all parts of the State and far beyond to the eastward and westward, with an enormous freight and passenger traffic. Within the State alone it controls 3,452 miles of railroad. It is a prodigy of labor, wealth, and skill, and is in actual control of 23,977 miles of track. The States through which the Pennsylvania lines run contain 44,936,522 people; that is to say, the road touches directly the social and industrial life of half the population of the United States. It has over 134,000 employees on the lines east of Pittsburg. Next in importance is the Reading Railroad, which controls extensive mileage in the eastern part of the State. This railroad lies in the anthracite coal fields and ships large quantities of coal. The Lehigh Valley, the Delaware and Hudson, the Central Railroad of New Jersey, and the Delaware, Lackawanna, and Western are also great railroads and owe their importance largely to the coal interests of that region. The Baltimore and Ohio Railroad comes up to Philadelphia in the east, and passes through Pittsburg on its way westward. The Bessemer Railroad is an important line, engaged largely in the transportation of iron ores. Other railroads having large interests within the State are: the Erie, the Lake Shore and

Michigan Southern, the Pittsburg, Cincinnati, Chicago, and St. Louis, the Western New York and Pennsylvania, and the Pittsburg, Fort Wayne, and Chicago. The total capital represented by the 219 corporations of steam railroads reaches the enormous amount of \$4,497,706,989. This is one fourth of the capital of all the steam railroads of the United States. Texas and Illinois are the only States that have a railway mileage exceeding that of Pennsylvania; but the capitalization per mile of track is much higher in Pennsylvania than in other parts of the country. Many important facts in regard to the railroads of the State may be obtained by consulting their reports, made to the secretary of internal affairs, and published by the State (205).

Street Railways.—Street railways are generally confined to boroughs and cities, and, until quite recently, the cars were moved by horse power. Electricity has banished the horse from the street railways, it being apparent that for the moving of street cars this invisible power is far superior to any other. The change from horse power to electric power has been rapid, and with this transition the limits and powers of the corporations have been extended. Yet it is evident that the General Assembly has not meant to enable them to perform the functions of steam railroads. Great efforts are now being made to put these roads to uses for which they were never intended. If street railways are to have rights of common carriers, they should be compelled to abandon the public highways, and to seek rights of way in the manner prescribed for steam railroad corporations. No street railway can be constructed within the limits of any township, borough, or city without the consent of the local authorities (203). Electric railways have already outgrown the laws which authorize their existence, and which are designed to

control their operations. As the street railways now use the highways, the tendency is to divert travel from these thoroughfares and to render them dangerous to be used for their proper purposes. No electric line outside of municipal control should be allowed to cross a steam railroad at grade. In Pennsylvania, street railways are by law allowed to carry only passengers and mail, and certain classes of freight.

Two Interesting Facts.—It is an important and interesting fact that the first railroad in America was built in Pennsylvania in 1809; antedating by seventeen years the horse railway at Quincy, Mass., incorrectly stated to have been the first railroad in the United States. In Delaware county, near the city of Chester, Thomas Lieper built, in that year, a horse railway connecting his quarry with a boat landing on Ridley creek, one mile distant.

In the National Museum at Washington, there is still preserved the famous "Stourbridge Lion," a locomotive imported from England for the Delaware and Hudson Canal Company, by Horatio Allen, and run by him on its first trip. This was the first run made by any locomotive on the Western Continent, and was made at Honesdale, Pennsylvania, in 1829.

Canals.—The Commonwealth of Pennsylvania formerly had nearly 1,000 miles of canals, in large part constructed by the State, and lying mainly along the Delaware and Susquehanna rivers and their tributaries. Competition, due to the rapid growth of the railroad systems of the State, has made most of the canals unprofitable; those built by the State have been sold to the railroads, and are now, for the most part, abandoned. The Delaware and Hudson canal, from Honesdale to the Delaware river, and the Lehigh river canal of the Lehigh Coal and Navigation Company, still

transport great quantities of coal. Parts of the Susquehanna canal and the Schuylkill canal are still used to some extent.

QUESTIONS

Discuss the topic "Corporations and their relation to the State." Has the State or the United States the constitutional right to become the owners of the telegraph and railroad lines of the country?

From what source do corporations receive their power?

Give some of the more interesting and important facts concerning the railroads of the Keystone State.

What is a common carrier? Where does the State obtain the right to restrict and regulate railroads? Discuss the Interstate Commerce Commission.

What is meant by the term eminent domain? Under what circumstances may municipal and other corporations take private property for public use?

What is cumulative voting?

When is consolidation of lines of telegraph prohibited?

Who constitute the managing body in a school district? In a township? In a borough? In a city? In a county? In the State? In the United States? In a railroad? In a bank? In an insurance company? In a church? In a college or university?

Write a list of all the corporations that you know or have ever heard of, grouping them under the heads *public* and *private*.

State some of the general powers of a corporation. Name some of the general powers of a bank. Of a city.

What does the State constitution set forth concerning corporations?

CHAPTER XX

EDUCATION: HISTORIC SKETCH

Early Ideals.—The public schools of Pennsylvania may be traced to the Frame of Government prepared by Penn in 1682. The founder of the Commonwealth was well educated and a firm believer in popular education. He provided that the Governor and Provincial Council should erect and order all public schools. Penn urged education as the means for preserving good government. "That which makes a good constitution must keep it, namely, men of wisdom and virtue, qualities that, because they do not descend with worldly inheritances, must be carefully propagated by a virtuous education of youth."

The first General Assembly at Upland legislated upon education. Instruction was to be given in the laws, and practical civics was to be taught in the schools. The next General Assembly made education compulsory, and the county courts were directed to enforce the law. This strong and comprehensive compulsory education law is unique in early American history. Penn wished to secure to Pennsylvania a complete system of public education.

Early Schools.—The oldest school in the State dates back to those early times. The William Penn Charter School of Philadelphia was established in 1689, and chartered in 1697. Continuously in operation since, it is one of the oldest schools in the United States. Not a public school such

as we know them to-day, yet in one respect it was a hundred years in advance of other schools in that it admitted both sexes on equal terms. The "Log-College," established in the wilderness by Rev. William Tennant at Neshaminy in 1726, was a center of deep and abiding interest in education as well as in religion. Eternity alone will tell how much this talented Irishman did for higher education as he gathered about him the choice young men of his time in that old log schoolhouse. "The teacher is the school alive, the inspiring force that makes scholars and men." Through the efforts of Benjamin Franklin, a school was established in Philadelphia in 1749, and incorporated as an *Academy* in 1753. Soon it was chartered with college privileges, extended its courses of study to include law and medicine (1765), drew students from half the colonies, and at the close of the Revolution was merged in the University of Pennsylvania.

The Neighborhood Schools.—The State of Pennsylvania has no reason to be ashamed of her early efforts in education. High ideals were difficult of attainment; yet there arose in those early days, the "neighborhood schools," the direct forerunner of the public school. Church schools and private schools were established in the eastern part of the colony, but in the western part of the State, common privations, dangers, interests, and toils gave rise to common schools. But the leaders in thought and action were a unit as to the principle that intelligence is necessary to citizenship. Neither in Pennsylvania nor elsewhere, whatever some writers may assert to the contrary, could intelligence spring suddenly out of ignorance, nor good and sufficient schools be provided for the whole people. The early schools were thoroughly republican in principle. They differed little in policy from the so-called free schools of the

New England States. A State with rate bills may have a system of public schools, but they cannot justly be called *free schools*. When legislation came to perfect the form and systematize the working of a plan which had been adopted voluntarily by the communities, a grand home-grown system of public schools was the result. Local control has ever been the fundamental principle of public education in Pennsylvania.

The Free School Act of 1834.—In adopting a system of absolutely free schools, Pennsylvania is one of the foremost States in the Union. The passage of the Common School Act of 1834 is historically the most important event connected with education in the State—the first great victory for free schools in Pennsylvania. The “New Code” of 1911 is but its blossom and fruition. The vote in the Legislature of 1834 was nearly unanimous, but the real contest took place in the next Legislature (1836), when in the fight against the repeal of the bill the victory was at last gained under the masterly leadership of Thaddeus Stevens. The passionate devotion of such men has done unmeasurable things for America. The spirit of their ancestors, the old Scotch Covenanters, finds its highest example in that picture of this great Pennsylvanian, as he stood in the glory of his young manhood, with raven hair and finely chiseled face, braving popular disapproval and a hostile Legislature. Yet he won the greatest triumph of his eventful career, and by sheer force of eloquence saved the free school system of the Keystone State, that the blessing of education might be carried to the poorest child of the poorest inhabitant of the meanest hut on the mountains. Near the close of his life the great statesman, who had done so much for the very life of the Nation, said that he had done

nothing upon which he looked back with such pride as upon his defense of the free school system of Pennsylvania.

Organization and Revival.—Teachers and people reap to-day the fruits of the wisdom and labors of Thomas H. Burrowes, secretary of the Commonwealth and superintendent of common schools (1836), who put into successful operation our common school system. After the period of organization came the educational revival movements of 1854 and 1857. The establishing of the office of county superintendent was the great feature of the Act of 1854. This vitalized and made effective the work of the whole system.

The Establishment of Normal Schools.—As a result of the work of the county superintendency came the demand for State normal schools. Normal institutes were established in various counties. In the little town of Millersville, Lancaster county, was established, under the guidance of county superintendent James P. Wickersham, an institution which by its success largely decided public opinion in favor of normal schools for the training of teachers. It had great influence in shaping the normal school policy of the State, and became the first of our State normal schools, and the mother of all of them.

Names Worthy of Remembrance.—Many Governors and State superintendents and deputy superintendents are to be remembered by their work for education. Governors Shulze, Wolf, and Ritner rendered valuable services toward the adoption of the public school system. Governor Wolf, a teacher, had the honor of signing the Act of 1834. Superintendent Thomas H. Burrowes drafted the normal school law; and Henry L. Dieffenbach prepared the final draft of the revised school law of 1854. Henry C. Hickok, by his

vigilance and zeal protected the Act of 1854, the county superintendency, and the normal schools. Governors William Bigler and James Pollock were influential in the passage, revision, and protection of the school laws. Andrew G. Curtin, who as Governor of the State during the Civil War made a great record in support of the Nation, as State superintendent of common schools in 1856 did much to steady the work of school reform by his conservative policy. State superintendents James P. Wickersham and Elnathan E. Higbee, in the era of growth which followed the close of the Civil War, rendered distinguished services to the perfecting of the system of common schools. The labors of State superintendents D. J. Waller, Jr., and Nathan C. Schaeffer, and their able deputies Henry Houck, John Q. Stewart, A. D. Glenn, and Reed B. Teitrick, are too well known to need commendation to the teachers of the State which has been honored by their supervision. These educators have exercised great influence upon legislation, and under their efficient direction many improvements have been made in the school system of the Commonwealth of Pennsylvania. The New Code passed by the Legislature of 1911, adds to the roll of honor Gov. John K. Tener and the eminent educators who composed the Educational Commission.

QUESTIONS

Discuss the origin of the school system of Pennsylvania.

What were the "neighborhood schools"? What is said concerning the rate bill policy of the New England States?

What was the estimate placed by Thaddeus Stevens upon his work in defense of the Free School Act of 1834?

Name seven men who have served as Governors of Pennsylvania, and have influenced the schools particularly.

Discuss the establishment of State normal schools in Pennsylvania.

CHAPTER XXI

EDUCATION: THE SCHOOLS TO-DAY

The District the Unit.—Under the provisions of the new School Code, the State has what is known as the district system of public schools. These school districts conform substantially with the political divisions of the State. Each township, borough, or city is a distinct corporation for school purposes. The law makes provision for the organization of independent districts under certain circumstances; but it is not the intention to cut up townships into single districts for each school, nor to separate the wealthier portion of a township from the poorer portion to the prejudice of the rights and interests of the latter. A school district contains on an average about ten schools, all under the control of the same school officers. There are, in round numbers, twenty-six hundred school districts in the State. The several school districts so established are classified into four classes as follows:

Every school district having a population of five hundred thousand inhabitants or more constitutes a school district of the first class. Every school district having a population of thirty thousand inhabitants or more, but less than five hundred thousand constitutes a school district of the second class. Those districts having a population of five thousand or more, but less than thirty thousand constitute school districts of the third class. Each school dis-

trict having a population of less than five thousand constitutes a school district of the fourth class.

The basis upon which the classification is computed is the United States census, and no change can be made from one class of school districts to another except after the Federal census has shown that the district is entitled to be changed from one class to another. The State superintendent is charged with the duty of canvassing the census, and issuing certificates to the several districts which are entitled to be included in a different class than that in which they were at first classified. All independent districts, as they formerly existed, were abolished, the law taking effect on the first Monday in July, 1911. The court of common pleas is given power to re-establish such districts upon proper petition.

The School Directors.—The school affairs of each district are administered by a board of school directors elected or appointed according to the school law. In school districts of the *first class*, these officials are appointed by the courts of common pleas of the county in which the school district is located. The board consists of fifteen school directors, who hold office for a term of six years and serve without pay. Under the working of the New Code, five school directors as members of such board are appointed in October, every second year (1913, 1915), for a term of six years. Their term of office begins on the second Monday of November next following their appointment. In school districts of the *second class*, nine school directors constitute the municipal school board. Three directors are chosen every two years at the municipal election, hold office for a term of six years, and serve without pay. Their term of office begins on the first Monday of December following

their election. In each school district of the *third class*, the school board consists of seven directors, chosen at large for a term of six years, at the time of the election of other local officers. At every third municipal election (1917, 1920), three directors are chosen, and at all other municipal elections two directors are chosen, thus keeping the number constantly at seven. Their terms of office begin on the first Monday of December following their election. In every school district of the *fourth class* there are five school directors chosen at large at the municipal elections for terms of six years. At every third municipal election (1917, 1920), but one director is chosen, and at all other municipal elections two directors are chosen, thus keeping the number constantly at five. Their terms of office begin on the first Monday of December following their election.

The school directors appointed for all districts of the first class meet and organize annually on the second Monday of November of each year, and in all school districts of the second, third, and fourth class the directors meet and organize annually on the first Monday of December in each year. The school year and the fiscal year in all school districts of the first class begin on the first Monday in January, while in all school districts of the second, third, and fourth class the school year and the fiscal year begin on the first Monday in July of each year.

The officers of a school board of the first class are a president, vice-president, secretary, and treasurer. The first two of these officers must be members of the board, but the others are not. The board elects the treasurer of the city constituting the district of the first class as the school treasurer. The officers of each district of the second, third, or fourth class shall be a president and vice-

president, who must be members of the board, a secretary, and a treasurer. In districts of the second class, the secretary and treasurer must not be members of the board; but in districts of the third and fourth class they may be members of the board. The same person cannot be secretary and treasurer of any board of school directors.

There are over sixteen thousand school directors in the State. Directors have the power to purchase grounds, to erect schoolhouses, to levy and collect taxes for the regular support of the schools and for building purposes, to regulate the course of study except as to studies prescribed by law, to expel all incorrigible children, to purchase text-books, to employ teachers, to establish additional schools or departments, to fix the length of the school term under certain limitations, and to determine salaries. A school board is a body corporate, and can make contracts, acquire, hold, and dispose of property. It exercises general supervision over the schools of its entire district. Directors must hold at least one regular meeting every three months, and must have every school visited by one or more of their number at least once a month. The result of such visit must be entered upon the minutes of the board. They are required to make an annual report concerning the school affairs of the district. A township board acts as a board of health, and may appoint a sanitary agent under the approval of the court.

Election of the County Superintendent.—The school directors meet in convention at the county seat and elect a county superintendent, who must have superior qualifications of moral character, scholarship, and professional skill. His salary is fifteen dollars for each of the first one hundred schools within his jurisdiction at the time of his election,

and five dollars for each additional school; but in no case can the salary of a county superintendent be less than fifteen hundred (\$1,500), nor more than two thousand (\$2,000) dollars. The school directors may, however, increase the salary out of the school fund of the county over which the superintendent has supervision. The superintendent of the county cannot teach in the public schools unless he does so without compensation for such service.

Number of Schools: Terms.—There are in the State about thirty-five thousand schools, with over one and one quarter million children in attendance, and over thirty-five thousand teachers. The law makes the provision of a sufficient number of schools compulsory. In all districts of the first and second class the schools must be kept in session at least nine months in the year, but not more than ten months. School districts of the third class must maintain schools at least eight months, and districts of the fourth class must keep schools open at least seven months. It is the manifest intention of the law to give to every individual in the State, above the age of six and under twenty-one years, an opportunity of attending school at least seven months in each year. If the directors refuse or neglect to provide such an opportunity, they may be removed from office. Twenty days of actual teaching constitute a school month. School must not be kept open on any Saturday for the purpose of ordinary instruction, except when Monday is fixed by the board of directors as the weekly holiday. Nor must the school be kept open on Sunday, Fourth of July, or Christmas, nor during the regular teachers' institute of the county or district under the supervision of the superintendent who has called the institute.

State Expenditures.—The money expended in the support

of the public schools is derived from two sources: direct local taxation in the school districts, and the State appropriation (164). The latter amounts to five and one half million dollars annually. The amount raised by local taxation is very large, so that the total annual expenditures for public school purposes are about forty million dollars. The State has no invested school funds, but the total value of public school property is one hundred million dollars. Steps are to be taken toward the creation of a permanent State school fund, based upon the receipts derived from the forest reservations of the Commonwealth and controlled by the State board of education.

Under the plan for the distribution of the common school fund, after the deduction of certain specified and appropriated amounts, one half of the money is distributed on the basis of the number of paid teachers regularly employed; and one half on the basis of the number of children of school age, between six and sixteen years, residing in the respective school districts of the several counties of the Commonwealth. This law works to the advantage and efficiency of the country schools.

The public schools educate the great mass of the children of the State, and are constantly growing more efficient and popular.

Free Text-book System.—In order to bring the advantages of free schools fully home to all, the State has an excellent plan for furnishing free schoolbooks. School directors are authorized and required to purchase, at the expense of their respective school districts, all the necessary schoolbooks and supplies for the use of children in attendance upon the schools. Books and school supplies are furnished free of cost to all children in attendance. Each district determines

for itself all questions which may arise as to the adoption, purchase, and introduction of schoolbooks, without any interference by county or State authorities. The progress of education is not allowed to be retarded by State or county uniformity in the matter of text-books. Efforts have at times been made to enact laws providing for uniformity in the school districts throughout the Commonwealth. The intention was that the State should undertake to prepare and publish all text-books used in the schools. It has been thought best, however, to leave the selection of schoolbooks, as well as the building of schoolhouses and the employment of teachers, in the hands of the immediate neighbors and representatives of the people they serve. Local control is a basic principle in the public school system of Pennsylvania.

Certain Studies Required.—Certain studies are required to be taught in every elementary public school. These branches are: spelling, reading, writing, arithmetic, geography, English grammar, history of the United States and of Pennsylvania,—including the elements of civil government,—physiology and hygiene. A system of humane education is added, which shall include kind treatment of horses, birds, and other animals, together with such other branches—including vocal music, public speaking, drawing, physical training, elementary manual training, elementary domestic science, and elementary agriculture—as the board of school directors with the approval of the proper school superintendent may prescribe. In school districts of the first class physical training must be a part of the regular course. The directors may provide for instruction in other studies, and the law concerning the required qualifications of teachers in the Commonwealth names the

other studies by implication. Besides a knowledge of the theory of teaching the teacher must have a fair knowledge of elementary algebra.

The law allows boards of directors to establish high schools, kindergartens, manual training schools, evening schools, free public libraries, reading-rooms, vocational schools, domestic science schools, playgrounds, museums, truant schools, and such other schools or educational departments as they may see proper to establish.

Compulsory Education.—The State has a compulsory education law which applies to children between the ages of eight and sixteen. There are exceptions to this rule; it does not apply, for example, to any child, between the ages of fourteen and sixteen, who can read and write intelligently, and is regularly engaged in some useful employment. The law requires continuous attendance of pupils during the entire time in which the public school is in session, unless excused for good and sufficient reasons by the board of directors. In districts of the fourth class, the school board has the power to reduce the period of compulsory attendance to not less than seventy per centum of the school term in the district. Whenever this is done, the board must fix the time when compulsory attendance begins.

Boards of directors in cities must, and in all other districts may, appoint a truant officer, with police power, to be paid out of the school fund, to enforce the compulsory attendance law. Directors have also the power to establish special schools for habitual truants or those who are insubordinate or disorderly while in attendance at the public schools.

The good effects of this law are apparent, as is shown in the increased attendance, especially in the cities and more populous parts of the Commonwealth. One of the strongest

points in favor of the compulsory education law is its moral effect. The people are already beginning to realize the folly of neglecting the education of children, and can see the wisdom in the words of Chancellor Kent: "The parent who sends his son into the world uneducated, defrauds the community of a useful citizen, and bequeaths it a nuisance." Illiteracy and ignorance will not be banished from our Commonwealth until public opinion rules that neither the cupidity and carelessness of the parents, nor the waywardness of the children themselves, shall be allowed to abridge youth's right to acquire knowledge and receive moral training.

The people of the Commonwealth demand that the public schools shall do more than educate in the sciences and the arts. With the increasing tide of immigration, and the advances in the standards of living, comes the need that our schools shall develop in the pupils the American type of character. Among the essentials of that character we find the belief in law,—that respect for the will of the people which alone can make good citizens; a belief in a government founded upon representation; and a belief in liberty, democracy, and equality—not equality in wealth or brains, but equality in opportunity to work and to develop the better self. It is the glory of our great Nation to-day that we are the exemplars of such principles among the civilized nations of the world.

High Schools.—A system of public instruction cannot be considered complete or satisfactory if it does not provide secondary schools for those who wish to pursue learning beyond the mere elementary branches. The high school meets this want, and is a direct outgrowth of the grading of schools in boroughs and cities. Wherever these schools have been

established for giving the advantages of secondary instruction, the number of persons availing themselves of the advantages afforded is much larger than most persons have supposed. These schools not only place this advanced instruction within reach of the great majority of young people, but they enable those who desire to attend colleges and universities to prepare themselves so that they may enter those higher courses of study necessary to develop and perfect the powers with which man is endowed.

The State now makes generous provision for the support of high schools. In districts wherein the population is 5,000 or more, the boards of directors may establish high schools, free to all children under the age of twenty-one years, who reside within the school district and who are found competent to enter upon the course of study provided. New high schools cannot be established in districts of the fourth class without the consent of the State superintendent and of the superintendent of schools of the county in which the district is located. The code establishes three classes of high schools. A high school offering a course of instruction covering four years beyond what is prescribed in the elementary schools is accredited as of the first class. High schools of the second class and third class offer three years and two years respectively in advance of the common schools. The college of fifty years ago did not provide any course superior to that which the high school of the first class now offers, free of charge, to all who will avail themselves of the benefits which it affords. Certain provisions of the law leading to the centralization of rural schools and the free transportation of pupils will do much to improve the condition of country schools.

Directors of a township, or of two or more townships

jointly, may establish high schools, which, maintaining the course prescribed by the State superintendent, shall be entitled to appropriations from the State according to the grade of the school maintained. Every high school, established in accordance with the school law, is under the supervision of the county or district in which it is located.

A high school of the first class receives as aid each year, a sum not exceeding eight hundred dollars; of the second class, six hundred dollars; and of the third class, four hundred dollars. Where two or more districts establish a joint high school, such schools may share in the appropriations made for high schools under regulations made by the State board of education. The directors of every district receiving aid as above must employ at least one teacher legally certified to teach bookkeeping, civics, general history, algebra, geometry, rhetoric, English literature, Latin—Cæsar, Virgil, and Cicero—physical geography, and the elements of physics, chemistry, botany, geology, and zoölogy. The office of high school inspector has been created by recent action of the Legislature. Two inspectors have been appointed and have entered upon their duties.

Teachers' Certificates: Minimum Salary.—A teacher, serving as such in the public schools, must hold some regular form of certificate if compensation for services is expected. A teacher's certificate should be an evidence of full qualification and permanent standing in a learned profession. But the needs of some of the districts render necessary the granting of some certificates of quite low grade. The certificate lowest in grade is the provisional certificate, granted upon examination of candidates by county or district superintendents. These are good for one year only,

are valid only where issued, and cannot be renewed without reëxamination. No person now entering upon the work of teaching can teach more than five terms on provisional certificates. Such certificates may be issued to persons who pass thorough examinations in spelling, reading, writing, physiology and hygiene, geography, English grammar, arithmetic, elementary algebra, history of the United States and of Pennsylvania, civil government—including State and local government, school management, and methods of teaching. Higher certificates are the professional, the permanent, the normal certificates, the provisional college certificate, and the State teachers' permanent certificate which is granted to graduates of college by the State superintendent upon proof of three years' successful teaching in the public schools. After two years' successful teaching, normal graduates may receive life certificates or diplomas. Every teacher employed must be a person of good moral character, and at least eighteen years of age.

The minimum salary now paid to teachers is \$40.00 per month. Districts must comply with this provision in order to receive any State appropriation. The minimum salary of every teacher holding a professional certificate valid throughout the State, who has taught successfully for two years and presents a certificate from his superintendent to that effect, is \$50.00 per month. If sufficient appropriation be made, these salaries may become \$45.00 and \$55.00 respectively.

Training of Teachers: Normal Schools.—The Commonwealth has a system of thirteen State normal schools established by joint State and private contributions, and controlled by boards composed of State and local trustees. Provision has been made in the New Code whereby the State

may purchase and ultimately completely control these schools. Each school has extensive buildings, a large corps of instructors, and an annual attendance of several hundred students. The aggregate attendance is over six thousand, and most of these students are preparing to teach in the public schools of the State. Over one thousand teachers are graduated each year, and as many more go out to teach as undergraduates. The growth of these schools in recent years has necessitated the erection of many additional buildings. The course of study extends over four years, and fits the graduate for position as teacher in the high schools and common schools. The tuition is practically free to all students who are preparing to teach in the public schools. The State superintendent is charged with the performance of important duties in regard to the examination of the graduates and other students, and is assisted therein by his deputies and by county and district superintendents whom he designates for the purpose. The normal schools are an integral part of the public schools,—a part upon which the true elevation of the common schools vitally depends. It is certain that the degree of general and professional culture of the teachers determines the degree of culture of the vast majority of the young men and women of the State. Thus the education of the teachers becomes a State question of great importance, because it affects the welfare of the whole people. Normal schools should prepare teachers for the common schools and for the high schools. Life alone cannot furnish the discipline of school, and the results which the students obtain from school discipline and instruction will always be in exact proportion to the value of the teacher. Wherever a school fails in power and influence, it does so because of its teachers; wher-

ever a school advances in influence and in educational power, it is by means of better teachers. There is no other way.

State Board of Education.—The public school system of the State is under the supervision of the superintendent of public instruction and a State board of education. The board consists of the State superintendent and six other members appointed by the Governor with the advice and consent of the Senate. Three of the six other members must be successful educators, of high standing, connected with the public school system of the Commonwealth. These educators shall hold office for six years, the Governor annually appointing one member under the regular working of the law. The State superintendent is *ex officio* a member of the State board of education, and president thereof. The board has certain powers and duties to perform. It may recommend to the Governor and General Assembly needed school legislation; equalize, through special appropriations for the purpose or otherwise, the educational advantages of the different parts of the State; require reports from, and supervise the educational work in, institutions wholly or partly supported by the State but not supervised by the public school authorities; encourage and promote agricultural education, manual training, domestic science, and such additional types of vocational and practical education as the needs of the State may require; prescribe rules and regulations for the sanitary equipment and inspection of school buildings, and take such other action as may be necessary to promote the physical and moral welfare of the public schools of the State. The office of the State board of education shall be located at the State capital, but meetings may be held elsewhere whenever it is deemed necessary to do so.

Institutes.—Once in each year, the county superintendent is authorized and required to organize the teachers into an institute for improvement in the science and art of education. The time and place of meeting, the selection of the instructors, and the general management of the institute are by law placed under his control. The institute is one of the most important agencies for inspiring teachers to do their best work. Pennsylvania has the best system of institutes ever devised. It reaches all the teachers, and the absences from the sessions are few. Instances are on record in which every teacher in a county was in attendance. Funds are appropriated from the county treasury to enable the superintendent to secure the best instructors. The schools are dismissed while the institute is in session, and teachers in attendance receive the same pay as while engaged in teaching. The interest which the superintendent naturally takes in the success of his institute leads to an adaption to the local needs, and a degree of inspiration seldom reached in States which place upon the State school department the management of teachers' institutes. Pennsylvania is one of the few States which use the word Commonwealth in the State constitution; and this is significant, for the whole tendency is against the centralization of power. The school law does not vest in the State superintendent any special authority, or impose upon him any duties in connection with annual institutes; yet the State superintendent and his deputies are among the most popular instructors at county and city institutes. The annual institute has become a very potent factor in molding public opinion.

Cities and boroughs having not less than fifty teachers may hold separate institutes, the city or borough superintendent directing and controlling as the county superin-

tendent does in the county institute. Under the auspices of the institutes have grown up the directors' conventions which assemble during the week of teachers' institute. Usually one session of the teachers' institute is devoted to a joint meeting of the directors and teachers.

All boards of school directors are authorized and required to pay from the district funds to the teachers employed in the public schools of their several districts, in addition to the compensation provided for in their contracts, three dollars per day for each day's actual attendance upon the sessions of the annual teachers' institute.

Closer Rural Supervision.--Every county superintendent having more than two hundred and not more than four hundred teachers under his supervision shall have an assistant superintendent to render the supervision more effective. In case the number of teachers exceeds four hundred but is not more than six hundred, an additional assistant is given. Every county superintendent having more than six hundred teachers and not more than eight hundred teachers under his supervision shall have three assistant superintendents. For each additional four hundred teachers or fraction thereof, the county superintendent shall have an additional assistant. These assistant superintendents are nominated by the county superintendent, and the nominations become appointments when confirmed by a majority vote of the five officers of the directors' association of the county. These assistant county superintendents are commissioned by the State superintendent, under the same conditions as in the case of the county superintendents. The minimum salary of an assistant county superintendent is twelve hundred dollars (\$1,200) per year.

The salaries of county superintendents and of assistant

county superintendents are paid to them by the superintendent of public instruction, quarterly, by orders drawn on the State treasurer.

District Superintendents.—The board of school directors in every school district of the first and second class in this Commonwealth shall, and in every district of the third class may, by a majority vote, elect a properly qualified person as district superintendent, together with such assistant superintendents as it may deem wise. The term of office is four years. The duties of district superintendents shall be the same as those imposed upon county superintendents, together with such further duties as are required by law and by the board of school directors of their respective districts. The district superintendent has a seat in the board of directors, and the right to speak on all matters before the board, but not to vote. Assistant district superintendents shall perform such duties as may be assigned them by the boards of school directors and by the district superintendent. No county, district, or assistant county or district superintendent shall engage in teaching in the Commonwealth, unless it be done without other compensation than that paid him as such superintendent. Except in districts of the first class, assistant superintendents are chosen by a majority vote of the board of school directors, upon the nomination of the district superintendent, at the convention which elects the district superintendent, or at any subsequent meeting. District superintendents and assistant superintendents, county superintendents and assistant county superintendents, are commissioned by the State superintendent. The board of school directors at any school convention electing a district superintendent, at the same time and place and before the

election, shall determine the amount of salary to be paid such superintendent. In the same way, the salaries of assistant district superintendents are paid by the districts, and fixed by a majority vote of the whole board of school directors prior to the election of such assistants.

Supervising Principals.—The board of school directors of any school district of the third or fourth class, which has no district superintendent, may employ a supervising principal of the public schools for a term not exceeding three years. No person is eligible as a supervising principal unless he holds a teachers' certificate valid in any part of the State. Supervising principals perform such duties as the school law and the directors require. Two or more districts may unite in the employment of a supervising principal.

Vocational and Special Schools.—The school law allows the board of school directors in certain districts to establish in connection with the elementary schools, as an integral part of the system, certain vocational and special schools. Free evening schools, for the instruction of resident pupils above the age of fourteen years, may be established. Provision is made for kindergartens, agricultural schools or departments, and evening manual training schools. The public schools should provide some means for training the young for the vocations which must be followed by a large portion of our people. To earn a decent living is not all of life; yet we must remember that to earn a living is to render a service to society. If everybody did it the millennium would be close at hand. Our social troubles to-day are mostly caused by those who will not earn their own living.

School Visitors.—In districts of the *first class* each ward elects at the municipal elections alternately four and three school visitors for a term of four years. Their terms of

office begin on the first Monday in January. These seven visitors are required to visit the schools at least once every three months, and report any matter requiring official action. The school visitors elect the janitors. Fire drills in public schools must be given at least once a month.

Medical Inspection.—Medical inspection of the pupils of the public schools is made compulsory in first and second class districts. In first class districts, where the department of health is providing the inspection, it is permitted to continue and appoint such inspectors. No teachers' certificate of any kind can be granted until the applicant furnishes a physician's certificate that the applicant is not mentally nor physically disqualified to teach on account of tuberculosis or other defect. The State superintendent furnishes blanks for such certification.

Higher Education.—There are thirty-four colleges and universities in the State, some of them among the foremost in the country. The University of Pennsylvania is a great school, the oldest of our higher institutions of learning. Opened in 1749 in a room in a private dwelling, it has grown until its buildings are among the finest and most imposing of their kind in the United States. Thousands of students are in attendance, and, in the sense of teaching the whole circle of sciences, the University of Pennsylvania well deserves the name.

Among the other higher institutions of learning may be mentioned: Lafayette, Franklin and Marshall, Allegheny, Dickinson, Washington and Jefferson, Bryn Mawr, Pennsylvania, Ursinus, Swarthmore, Westminster, Grove City, Geneva, and Villanova colleges (165); University of Pittsburgh, Bucknell University, and Lehigh University. State College is supported by State and National funds, and its

special work is to train students in those branches of learning which are fundamental in modern industrial pursuits. An institution which has an immense endowment is Girard College in Philadelphia, founded as a college for the education of orphan boys. Besides these schools, there are many excellent professional, technical, and art schools; and the medical schools of Philadelphia have long been noted for their excellent work. The Carnegie Technical Schools, recently established in Pittsburg, give to earnest students that special training necessary to fit them for active duties in that great industrial center. The growing appreciation of higher education, and the demand for men and women of superior training, should do much to encourage the friends of the colleges and universities of our Commonwealth.

QUESTIONS

How much State money did your school district receive last year?

Discuss the schools of the present time. What is the school unit?

What is the amount of the State expenditures for schools?

What is the free text-book system?

What are the required studies in the common schools?

To what children is the compulsory education law applicable?

What are the exceptions? Who appoints the truant officers?

What may directors do in regard to libraries and kindergartens?

What provision does the State make for the support of high schools?

What certificates are issued to teachers? What is the minimum salary paid to teachers?

Discuss the annual institutes as factors in the advancement of the school system and the molding of public opinion.

Name some of the colleges and universities of the State. What technical school has recently been established in Pittsburg?

What are vocational schools?

Who is the present State superintendent?

What is the length of the school term in your home district?

Who is the superintendent of schools in your home county?

Name some important features of the "New Code".

CHAPTER XXII

THE DEVELOPMENT OF THE STATE CONSTITUTION

Bases of Government.—Government in Pennsylvania, historically considered, naturally falls into three great divisions:—(1), the provincial period, extending from Penn's grant in 1681 to the Revolution in 1776; (2), the revolutionary period, ending with the adoption of the State constitution of 1790; and (3), the period of the Commonwealth, beginning with the adoption of the State constitution of 1790.

As has been previously stated, the bases of the government of our State are found in the charter of King Charles granted in 1681; the "Frame of Government" of 1682-83; the "Great Law" adopted by the first Assembly at Chester; and the "Charter of Privileges" granted by Penn in 1701,—which continued to be the practical constitution of Pennsylvania until the Revolution.

State Constitutions.—The first constitution of Pennsylvania was inspired by a resolution passed by the Continental Congress in May, 1776, advising the assemblies and conventions of each of the colonies to adopt such government as would best lead to the happiness and safety of the people. Under the initiative of the Committee of Safety in Philadelphia a State Convention, with Franklin as president, adopted a new constitution September 28, 1776. The State government was organized, and the new constitution was delivered

to the General Assembly at its first meeting, immediately after the speaker had been chosen. Thus this first constitution went into effect a short time after independence was declared. It was framed and adopted by a convention elected by the people.

The constitution thus framed by State Convention, after the old Assembly which went back to the days of Penn had fallen to pieces in the Summer of 1776, was novel in many features and made the government of the State a centralized democracy. The first section placed the power in the hands of an Assembly, a Council, and a President. The supreme legislative power was vested in the Assembly, called the House of Representatives, and elected annually by the qualified electors of the Commonwealth. Members of the Supreme Executive Council were elected for three years. One was elected for each county and one for the city of Philadelphia. On joint ballot the Assembly and Council elected annually the President and Vice President. The President and the Council were the executive branch of the government. The Vice President acted in the absence of the President. There was no senate, and no veto. A novel feature was the Council of Censors, chosen once in seven years. Its duty was to inquire whether the constitution had been kept inviolate, the taxes properly levied, the public money wisely expended, and the laws duly carried out. This Council of Censors, largely judicial in its character, was regarded as the bulwark against the tyranny of officials and the unjust acts of law-makers.

Pennsylvania was the only one of the States which at first attempted to establish a single House of Assembly, Franklin himself being so far carried away by the principle of the sovereignty of the people, as to have concurred in the

measure; but the imperfections in the plan soon called for change in the fundamental law, and the creation of a new constitution.

In 1789 the General Assembly, which as we have seen consisted of the house of representatives only, submitted to the people the question of calling a convention to draft a new constitution. The majority of votes cast favored the calling of the convention, and at the next election delegates were chosen. The second constitution—that of 1790—was the result of their labors. The Constitution of the United States had suggested valuable ideas. The General Assembly was made to consist of the senate and the house of representatives; and the Governor, as the new executive was called, was elected directly by the people.

The third constitution,—that of 1838,—and the present one, which went into effect January 1, 1874, were drafted by constitutional conventions called in the usual manner. The third constitution was submitted to the electors and ratified by them October 9, 1838. It was amended in 1850, 1857, and 1864. The present constitution was ratified by the electors of the Commonwealth December 16, 1873. It was amended in 1901 and 1909.

The People Supreme.—If we study the manner in which these constitutions have been made, we shall see that a constitution is a frame of government established by a superior authority creating a subordinate lawmaking body which can do everything except violate the terms and transcend the powers of the instrument to which it owes its own existence. When the province of Pennsylvania became the State, and the connection with Great Britain was severed, the authority of the king passed over, not to the General Assembly which was still limited, but to the people of the now independent

Commonwealth. The will of the people speaks through what is now the State constitution, the fundamental organic law of the Commonwealth.

Constitutions a Growth.—Useful constitutions are always a growth, and the elements which compose them are the products of progressive history. As we have seen in the study of the several “Frames” granted by William Penn, and also in the several forms which our own State constitutions have assumed, constitutions continue to grow after they have been formed. They show a tendency to become much longer, and to regulate an increasing number of subjects. They cannot be written in unyielding language; for society changes, and constitutions must change with it. Nor should we forget the processes through which the State constitution has developed. One unceasing cry for liberty, the truest and the best, is heard all down the centuries of growth. At Germantown in 1688, the German Quakers or Mennonites voiced the first organized effort against slavery on American soil. “Have these negers not as much right to fight for their freedom as you have to keep them slaves?” On the eve of the Declaration of Independence, the Quakers of Pennsylvania commanded all Friends to free their slaves. On March 1, 1780, the Assembly of Pennsylvania passed an Act—among the first recorded—providing for the emancipation of slaves within the State.

The antiquity of Pennsylvania as a separate Commonwealth, running back into the heroic ages of the early colonies and the days of the Revolutionary War, should be a potent source of local pride and patriotism to all who dwell within the limits of the State. As one of the original States, she gives a sense of historic growth and individual corporate life which could not be possessed were the Commonwealth the mere creature of the Federal Government.

With this idea of growth in mind, let the student of civics carefully consider the constitution of the Commonwealth of Pennsylvania.

QUESTIONS

Discuss the development of the State constitution. How many constitutions has the State had?

What were some of the most striking features of the first constitution?

What was the Council of Censors? What is said of the veto? Of the single House of Assembly?

Give a brief account of the growth of democracy in America.

Trace the development of the bicameral legislature in this country. What are its advantages?

In what respect are all constitutions a growth? When was the present constitution of Pennsylvania ratified by the people?

Where was the first organized effort made against American slavery?

Why are laws necessary when there is a constitution?

CHAPTER XXIII

THE PREAMBLE: DECLARATION OF RIGHTS: AMENDMENTS

The Enacting Clause.—The first clause of the State constitution (1) is known as the preamble, and is in reality its enacting clause. It is an integral and necessary part of the constitution, and gives to the act all its force and effect.

What its Elements are.—The preamble names the power that acts or speaks: “We, the people of the Commonwealth of Pennsylvania,”—

It tells the feelings which impel to the action, and the only recognized higher power: “grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance,”—

And then tells what is done: “do ordain and establish this constitution.”

This constitution was framed and adopted by a convention called by the General Assembly; yet these actions were only steps toward the great and binding acts of adoption by the convention, and final ratification by the people. The government proceeds directly from the people, and is ordained and established in the name of the people. The spirit of a time of peace animates the brief preamble.

Declaration of Rights.—“That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare that”—

Here follow twenty-six propositions, many of them general political maxims and abstract statements of natural rights, yet serving to set forth the limitations which the people have placed upon their government. These propositions answer the purpose of a Bill of Rights.

The Bill of Rights.—Each section in this declaration of rights is in a sense an assertion of the rights of the individual citizen as against the exercise of despotic power by the government. Historically considered, it is the most interesting part of the State constitution, and is a direct inheritance from the Magna Charta and all similar declarations and enactments down to the time of the English Bill of Rights of 1689. The enunciation of these general maxims of personal and political freedom has practical value as a safeguard against tyranny; and also as a reminder to the State Legislature of those fundamental principles of freedom which must not be overlooked. The influence of the Declaration of Independence may be traced in this declaration of rights.

Natural Rights.—All men are born equally free, and have a natural, inherent, and indefeasible right to enjoy and defend life and liberty, to acquire, possess, and protect property and reputation, and to pursue their own happiness (2).

Object of Government.—The true object of all government is the peace, safety, and happiness of the people, in whom is vested all power and right to alter, reform, and abolish their government in such manner as they may think proper (3).

Religious Liberty.—All men have the right to worship Almighty God according to the dictates of their own consciences (4). To this full freedom of religious opinion and worship is added the equality before the law of all denominations and their members. Yet God is decidedly acknowl-

edged throughout the State constitution, and a man is declared ineligible for office if he does not believe in God and in the existence of a future state of rewards and punishments (5).

Elections Free and Equal.—Elections must be free and equal; and no civil or military power shall at any time interfere to prevent the free exercise of the right of suffrage (6).

Freedom of Press and Speech.—The printing press is free to every person, and no law must ever be made to restrain this right (8). Every citizen may freely speak, write, and print on any subject, but is responsible for abuse of that invaluable liberty.

Security of Person and Home.—The people are declared secure in person and home from unreasonable searches and seizures (9); and no warrant to search any place or seize any person or things must be issued without probable cause nor without description.

Trial by Jury.—The right of trial by jury remains inviolate (7). In all criminal prosecutions, the accused has the right to a speedy public trial by an impartial jury. He has the right to be heard by himself and his counsel, to know the nature and cause of the charge, to meet the witnesses face to face, and to compel attendance of witnesses. He cannot be compelled to give evidence against himself, nor can he be deprived of life, liberty, or property except by the judgment of his peers or the law of the land (10). A person once tried for an offense and acquitted, cannot be placed on trial again for the same offense (11).

Bail: Habeas Corpus.—Excessive bail cannot be required, nor excessive fines imposed, nor cruel punishments inflicted (14). Reasonable bail must be accepted unless for capital offenses (15). The privilege of the writ of *habeas corpus*

must not be suspended, unless when in case of rebellion or invasion the public safety may require it.

The term *bail* implies safe-keeping or delivery for a special purpose. It may mean the delivery of a person arrested, either on civil or criminal process, from the custody of an officer of the law, into the safe-keeping of certain friends who give security for his appearance before the court at a given time, or for his performance of the judgment of the court. While the person released on bail is in fact generally allowed to be at large, he is regarded by law as in the custody of the persons who go his bail. Since the law presumes every man innocent until he is proved guilty, it would be unjust, in case of the person charged with the commission of a crime, to keep him in jail until the time of his trial, if by any other means his appearance for trial at the appointed time might be secured. Therefore the law provides that in all civil cases the defendant may give bail as a matter of right, and generally in criminal cases, unless he is charged with a capital offense. Where an assault has been committed under such circumstances as to make it murder if the injured person may die, and there is reasonable probability that death may result, the court generally refuses to admit bail. Excessive bail is forbidden by the constitution. In case the men who go bail for another have fears that the accused may run away from his trial, they may deliver him up to the sheriff and be released from further responsibility by complying with certain legal forms of surrender. A man who "jumps" his bail is not thereby relieved from trial; but when found and put upon trial would be more likely to be convicted, and indeed, more severely punished than if he had not tried to avoid his trial.

Right and Justice.—All courts are open (12), and every

man for an injury done him has remedy in due course of law. Right and justice must not be sold, denied, nor delayed. The words of Magna Charta have the same true ring: "We will sell to no man, we will not deny to any man, either justice or right." No commission of oyer and terminer or jail delivery can be issued (16).

Taking Private Property for Public Use.—The State can exercise the right of eminent domain,—that is, may take private property for public use; but it must pay a just compensation (11).

No Imprisonment for Debt.—Imprisonment for debt is forbidden, except in case of fraud (17).

No Ex Post Facto Laws.—It is provided that no *ex post facto* law, nor any law impairing the obligation of a contract shall be passed (18).

Bills of Attainder: Estates of Suicides.—No bills of attainder can be passed by the Legislature (19); and it is provided that the estates of suicides shall descend in the ordinary course of law (20).

Right to Assemble and to Petition.—The people have the right to assemble for their common good, and also to petition for redress of grievances (21).

Right to Bear Arms.—The right of citizens to bear arms in defense of themselves and the State (22) must not be questioned. To deny the people this right is a means employed by despotic rulers to enforce arbitrary government. This clause renders possible the citizen soldiery or militia.

No Standing Army: Military Subordinate to Civil Power.—The State does not have a permanent army of professional soldiers; and the military power is in strict subordination to the civil power (23). Soldiers must not be quartered upon the people (24).

Titles of Nobility.—No titles of nobility nor any hereditary honors, privileges, or emoluments can be granted (25).

Emigration.—Emigration from the State must not be prohibited (26).

Power of Suspending Laws.—No power of suspending laws (13) can be exercised except by the Legislature or by its authority.

Excepted and Forever Inviolable.—"To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate" (27).

How Amendments are Made.—The Supreme Court of the State has decided that the article which provides for amendments (207) is complete in itself, and provides all the machinery that is necessary to be followed in the amendment of the State constitution. The method of procedure is as follows:

The amendment is introduced into the General Assembly in the form of a joint resolution. "Be it resolved by the senate and house of representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following is proposed as an amendment to the constitution of the Commonwealth of Pennsylvania, in accordance with the provisions of the eighteenth article thereof:"—

After passing both branches of the Legislature, the resolution may or may not be submitted to the Governor for his approval. The Supreme Court has decided that such submission is not necessary. The secretary of the Commonwealth must then cause the amendments to be published throughout the State at least three months before the next general election.

If the General Assembly next afterwards chosen passes the joint resolution, the secretary of the Commonwealth

again publishes the amendments, and they are submitted to the vote of the qualified electors of the State. If approved by the majority of those voting thereon, they become a part of the State constitution (208).

Recent Amendments.—Three amendments to Article VIII were ratified by the people November 5, 1901. The vote on the second amendment was 194,053 yeas and 41,203 nays, in a total vote of 848,342 on candidates.

The third amendment nullifies the requirement that registration shall be uniform throughout the State; since these laws regulating and requiring registration may be enacted to apply to cities only, but such laws must be uniform for cities of the same class.

The second amendment reads as follows: "All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, that secrecy in voting be preserved." According to this amendment, the ballots used hereafter in elections will be unnumbered, and must not be marked in any way that may indicate who deposited them. This provision secures a ballot absolutely secret. A proviso in the ballot law of 1893 states that if at any time the constitution ceases to require ballots to be numbered, no number shall be marked on the ballot, and it shall be deposited in the ballot box by the voter himself. This amendment also makes possible the enactment of laws authorizing the use of voting machines in the election system of the State.

Nine highly commendable amendments were ratified November 2, 1909. They abolished the Spring election, and cause all elections to be held in November. An amendment, authorizing the Legislature to take the choice of election boards away from the people and place it in the hands of

courts, failed by a majority of 66,523 against, because of the grave doubt whether such a change were desirable. If the people cannot be trusted to choose their own election boards, they are surely in an evil case. The other amendments, which were passed by majorities varying from 15,460 to 28,037, relate to Articles IV, V, VIII, XII, and XIV of the State constitution. A schedule providing for carrying the amendments into complete operation was ratified at the same time, but by a much smaller vote.

Amendments to Articles V and IX were ratified by the people November 7, 1911.

QUESTIONS

What objects are set forth in the preamble of the State constitution? Discuss the Declaration of Rights.

What is meant by a preamble?

How does the preamble of the State constitution set forth a time of peace?

What words in the preamble of each reveal the democratic feature of the instrument?

What does the State constitution say concerning trial by jury, freedom of the press, freedom of speech, standing army, elections, and titles of nobility?

When are prohibition laws effective?

Does the constitution of Pennsylvania say anything about the sale of intoxicating liquors?

How may the State constitution be amended? Discuss three recent amendments.

When and where did the first Continental Congress meet? State at least one thing that they did.

What is the object in having two branches of the State Legislature?

What are some of the advantages possessed by a written constitution over an unwritten one?

Why must the constitution be subject to change?

CHAPTER XXIV

THE STATE AND THE NATION

State Governments as Models.—It is believed that the State should come first in the study and description of the government of the country, because the Government and Constitution of the United States were constructed in conformity to models and precedents from the various States. The great bulk of the business of government rests with the State authorities. The State dispenses justice and right, bears the weight of the control of its citizens, and still stands nearest to the people in all social and legal relations.

The Scope of State Power.—The authority of a State is an inherent, not a delegated authority. In all ordinary matters, the State rules its citizens without the interference of the Federal Government. Our State courts make a complete judiciary system from top to bottom, independent of the courts of the United States in many important respects, yet at the same time not entirely unrelated. The Commonwealth of Pennsylvania has all the powers of an independent government, except such as it has delegated elsewhere. The State government and the National Government are complements to each other. In the great mass of affairs in ordinary life, those which relate to the Government of the United States form the exception, while those relating to the State government constitute the rule. The powers not delegated to the United States by the Federal Constitution nor prohibited by

it to the States, are reserved to the States respectively or to the people.

Scope of the Federal Power.—All the powers of the general government are such as affect interests which could not be regulated harmoniously by any scheme of separate action by the several States. The Federal Government has only such powers as it can be affirmatively shown to have received; and while these appear large by enumeration, they are really small compared with the vast power which remains with the States or with the people.

The Constitution and laws of the United States form the supreme law of the land (X²),* not because they are set above the constitutions and laws of the States, but because they are integral parts of the law of each separate State. The Constitution is a part of the State law in so much as it limits the sphere of State activity; but the laws passed by Congress are also portions of State law which all are bound to obey.

No State can as a single commonwealth deal politically with or act upon any other State. The United States as a nation has been called a Banded-State. The powers granted to Congress have proved sufficient to bind the States together in a Union that is strong because of the partition of powers between the Federal Government and the individual States. While the United States Government must not encroach upon the sphere of the several States, it is vested with higher powers of government worthy of the most careful study. The Constitution of the United States is a clear sketch of the fundamentals of good government.

Brief Outline of the Government of the United States.—The foundation of the Government of the United States is

* Such letters and numbers as these refer to clauses of the United States Constitution, as printed near the end of this book.

the National Constitution, which is the supreme law of the land (X²). All laws made by Congress, or by the legislature of any State, or any ordinance or rule of a county, borough, or city, or even of a school district, is void if it is not in accord with the National Constitution. The local government and the State government, each with great variety of detail, must move in harmony with the Government of the United States.

The National Government consists of three branches: the Legislative, the Executive, and the Judicial.

The Legislative branch consists of the Senate and the House of Representatives, and is called Congress (B). Bills are passed by Congress, and become laws when signed by the President. If, however, the President neither signs nor vetoes a bill within ten days after its passage, it becomes a law without his signature, unless Congress, by adjournment, prevent its return. A vetoed bill may be passed again by a majority of two thirds in each branch of Congress, and then becomes a law.

The Executive branch is vested in the President, who represents the unity, the power, and the purpose of the Nation. It is his duty, through his officers, to enforce the laws. A bill passed by Congress may be prevented from becoming a law by being vetoed or forbidden by the President, and only in exceptional cases are bills passed over his veto. The President's office is the highest in the power of the people to bestow.

The Judicial branch of government is vested in the Supreme Court, created by the Constitution, and in inferior National Courts, which are called District Courts, established by Congress. Ordinary cases involving Federal law can be brought in the District Courts, and appealed to a Circuit Court of Appeals, or in certain cases, to the Supreme Court.

Appeals can be taken from the highest State courts to the Federal Supreme Court in all cases involving Federal law. Thus all cases turning on Federal law may be brought before the courts of the Nation. These National courts adjust legal difficulties, interpret the laws, and decide upon their constitutionality. The Supreme Court of the United States has become the balance wheel of our system of government.

In the succeeding chapters each of these branches will be treated in detail. While in theory all three of these functions of government are justly regarded as distinct and best exercised by entirely different persons, the practical working out of systems of government in communities, States, and the Nation has shown that it is convenient and wise that some officials should be connected with more than one of these departments and discharge varied duties. Thus it will be seen that Congress exercises judicial powers in cases of impeachment; that the Senate has executive power in the confirmation or rejection of appointments of officials by the President; and that the judges in courts inferior and superior exercise executive powers in ordering the carrying out of the judicial decisions in individual cases. The Supreme Court practically becomes executive when it pronounces a law unconstitutional. This right, vested in the highest court of the United States, forms the most powerful barrier against the tyranny of political legislation.

QUESTIONS

What is the scope of the State power? Of the Federal power?

Give a brief outline of the Government of the United States.

What powers are vested in the Judiciary, and how are these powers exercised? What are the powers of the Executive department?

State the primary function of each of the three great departments into which the Federal Government is divided.

CHAPTER XXV

THE NATIONAL LEGISLATIVE POWER

Congress is Bicameral.—Congress is a dual or bicameral body; that is, it consists of two chambers, the Senate and the House of Representatives. A bicameral legislature has the great advantage of securing fuller and more deliberate consideration of all legislative business. One chamber acts as a certain check and balance upon the other. The example set by the English Parliament has been followed in the form which our legislative body has assumed. The term Congress is of course a collective one, and applies to the two legislative bodies taken together and considered as enacting National laws. The composition of Congress is determined by Article I. of the Constitution (B).

The House of Representatives.—The House of Representatives is composed of members chosen every second year by the people of the several States (C¹). Any person who can vote for a member of the more numerous branch of the State Legislature may vote for a Representative in Congress. The election of Representatives for Congress occurs, in nearly all States, on the Tuesday after the first Monday in November in every even numbered year. In Oregon, the Congressmen are elected on the first Monday in June; in Vermont, on the first Tuesday in September; and in Maine, on the second Monday in September.

Number of Representatives.—There are three hundred and

ninety-one members of the House of Representatives. The number of members apportioned to each State is in proportion to its population as determined by the last National census (C^s). Each State has at least one Representative. The State of Pennsylvania has thirty-two Representatives in the House.

By an Act of Congress, every Territory belonging to the United States in which a government has been established, is entitled to send one delegate to Congress. He has the right to take part in the debates of the House of Representatives, but is denied the right of voting.

Ratio of Representation.—In the apportionment of Representatives, the number of members of the House is first fixed upon. In the Apportionment Act of 1911 this number was 433, exclusive of Arizona and New Mexico. After the census the Secretary of Commerce and Labor ascertained the aggregate population of the States, and each separately. From this population was subtracted the population of the States having less than half the probable ratio—leaving 91,107,110 as dividend to a divisor of 430. The resulting *ratio of representation* was 211,877. Pennsylvania has a population of 7,665,111; and dividing by 211,877, we find 36 for the number of Representatives. There is a remainder of 37,539. The sum of the integral quotients is never equal to the whole number of members apportioned; so an extra member is assigned to the State having the largest remainder, another to the next largest, and so on until the apportionment is completed. Congress may give a State a Representative on a fraction less than those of other States; but only when loss in representation is thus prevented. Loss in membership is, however, no new experience to many States. Virginia had 19 members

in 1790, and 23 in 1800; but in 1870 only nine, a number since increased by one. Since Pennsylvania has 7,665,111 inhabitants, the actual ratio is 212,919.

Qualifications of Representatives.—A Representative must be at least twenty-five years of age, a citizen of the United States for seven years, and an inhabitant of the State from which he is elected (C²). Representatives are not required by law to reside in their districts, but such is the almost universal practice. They are supposed to regard the interests of the Nation as a whole, rather than those of the particular section from which they are chosen. Strictly speaking, members of Congress are not “officers” of the United States.

Election of Representatives.—Congress has provided by law that, in every case where a State is entitled to more than one Representative, the members shall be elected by districts composed of contiguous territory equal in number to the number of Congressmen to be chosen.

The duty of dividing the State into Congressional districts falls upon the State Legislature (E¹). If the number of Representatives is increased, and the Legislature fails to redistrict the State so as to correspond properly to the number of Representatives, the additional member or members are elected by the State as a whole. Congressmen thus chosen on a general ticket, and not by district tickets, in States having more than one Representative, are called Congressmen at large.

The Congressional districts must, as nearly as possible, contain equal numbers of inhabitants. The party in power in a State Legislature may try to secure more than its just proportion of the members of Congress to be elected from their State. Instead of dividing the State into districts of nearly regular form, the districts are made to wind in and out in very

irregular ways, so that the opposing votes are unfairly united or divided. This operation of party expediency is termed "gerrymandering," after Governor Elbridge Gerry of Massachusetts, to whose influence such an unfair operation was once attributed, although it is now known that he opposed the measure.

Vacancies.—When a vacancy occurs in the representation of any State, the Governor calls a special election, and the qualified voters elect a person to fill the vacancy (C⁴).

The Officers of the House.—The presiding officer of the House of Representatives is the Speaker (C⁵). He is chosen from the members of the House, has the right to vote on all questions, and the rules require him to do so in all cases when his vote will decide a question pending, or when the vote is by ballot. In point of rank the Speaker is the third officer of the Government, and in actual power is second only to the President of the United States. Certain changes recently made will be complete only when the Speaker, like the Speaker of the House of Commons in England, shall be bound in honor and by precedents to be utterly impartial.

The House chooses other necessary officers, including the clerk, sergeant-at-arms, postmaster, chaplain, and door-keeper, who are not members of the House. The duties of these officers are sufficiently obvious from their titles. The clerk of the preceding House holds over until the Speaker of the next House is chosen, at which election he presides. The clerk is usually an ex-member of the House. The police officer of the House is the sergeant-at-arms. The symbol of the power of the House of Representatives is a bundle of ebony rods tipped with spearheads, and surrounding a central rod surmounted by a globe and a silver eagle with wings outspread. This is the *mace*, an ancient symbol used for centu-

HALL OF THE HOUSE OF REPRESENTATIVES

ries in the Roman senate, now the symbol of the power of the people. The duties of the doorkeeper are broader than his title, since he has charge of the room of the House of Representatives. The chaplain opens each daily session of the House with prayer for Divine guidance.

Compensation.—A Representative receives a compensation of \$7,500 a year; and the Speaker \$12,000. Mileage is allowed at the rate of twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government. A Congressman is also allowed clerk hire, and \$125 a year for stationery.

Oath of Office.—The Constitution requires that Senators and Representatives, and the members of State Legislatures, as well as all executive and judicial officers, both of the United States and of the several States, shall take oath of office to support the Constitution (X³). As soon as the Speaker of the House is chosen, the clerk designates certain other members of the House to escort the Speaker-elect to the chair. The clerk then calls upon the member-elect who has served longest continuously—the “father of the House”—to administer the oath of office to the Speaker, who then administers the oath to the new members, called before him for that purpose. After the oath of office has been taken by every member, the House is ready to proceed to any business which may be presented.

The Senate.—The Senate of the United States is composed of two Senators from each State, chosen by the Legislature for a term of six years. Each Senator has one vote (D¹).

At the time of the framing of the Constitution, the large States conceded to the small States equal representation in the Senate. Both the equality of representation and the election of the Senators by the State Legislatures are survivals of

the old Articles of Confederation. The term of six years gives to the Senator a feeling of security in position that does much to insure independence of action in regard to the best interests of the nation. Cases are on record where Senators have served for more than five consecutive terms.

Number of Senators: Classes.—There are ninety-two Senators at present, two from each of the forty-six States in the Union. Senators are divided into three classes as nearly equal as possible. The terms of one third of the Senators expire on March 4th of each odd year:

Class I, 1791, 1797	1911, 1917
Class II, 1793, 1799	1913, 1919
Class III, 1795, 1801	1915, 1921

The two Senators from a State are never assigned in the same class. It is seen that one third of the Senators go out of office every two years. This arrangement secures at all times the benefit of the experience of at least two thirds of the body. It may happen that one or both of the first Senators from a new State may serve less than the full term of six years (D²). The Pennsylvania Senators were placed in classes three and one.

The Senate is a perpetual body, and at any time is ordinarily fully organized, although not in actual session.

Qualifications of Senators.—A Senator must be at least thirty years old, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen (D³).

Previous absence from the State, on public business in a foreign country, or as a traveler, does not debar a person from the Senate nor from the House.

Election of Senators.—A law passed by Congress in 1866 makes the election of Senators uniform for the States (E¹).

The Legislature chosen next preceding the expiration of the term of a Senator in any State, must, on the second Tuesday after organization, elect a Senator in the following manner. Each house must vote *viva voce* for Senator, and the vote is recorded in the journals. The next day, at noon, the houses meet in joint session and the journals of the proceedings of the previous day are read. If the same person has received a majority of all the votes cast in each house, he is declared elected. If no election has resulted, the joint assembly then proceeds to choose a Senator by *viva voce* vote of each person present, and if any person receives a majority of all the votes of the joint assembly—a majority of all members elected to both houses being present and voting—he is declared duly elected. If no choice is made on this day, then the houses meet in joint session each succeeding day of the session at the same hour, and must take at least one vote until a Senator is elected or the Legislature adjourns.

Vacancies.—When a vacancy occurs in the Senate during a recess of the Legislature, the Governor appoints a person to fill the place until a successor is chosen at the next meeting of the Legislature (D²). When a vacancy occurs during a session of the Legislature, the Legislature elects. The newly elected Senator only fills out the term of his predecessor.

Officers of the Senate.—The Vice President of the United States is President of the Senate, but has no vote, unless they are equally divided (D⁴). The Senators choose one of their number President *pro tempore*, who presides during the absence of the Vice President, or when he has become President of the United States through succession to that office. The Senate elects a secretary, chief clerk, executive clerk, sergeant-at-arms, doorkeeper, postmaster, librarian, and chaplain. None of these are members of the Senate (D⁵).

Compensation.—A Senator receives a salary of \$7,500 per year, clerk hire, and mileage at the rate of twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government (G¹). A yearly allowance of \$125 for newspapers and stationery is now made to Senators. When the President *pro tempore* takes the place of the Vice President for any considerable length of time, the salary of that official, namely, \$12,000 per year, is paid during the time the President *pro tempore* exercises the office.

Oath of Office.—The Vice President of the United States takes the oath of office on inauguration day; and, when he meets the Senate on the first day of the session, he administers the oath to the new Senators (X³). The Senate is then ready to proceed to the transaction of any business that may be presented.

Impeachment.—The sole power to try impeachments is vested in the Senate (D⁶); but the sole power to impeach is vested in the House of Representatives (C⁵). In such cases the House adopts formal articles of impeachment, similar to the counts in an indictment found by a grand jury in a court of law. A committee from the House presents the articles of impeachment before the Senate. The Senators sit as a court, and must then take a special oath or affirmation (D⁶). No person can be convicted except by the vote of two thirds of the Senators present. When the President of the United States is impeached, the Chief Justice presides at the trial. The judgment in cases of conviction can not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. Whether acquitted or convicted, the person is still liable to be tried and punished by the ordinary processes of law (D⁷).

Senators and Representatives cannot be impeached. The President, Vice President, and all civil officers of the United States may be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors (O).

Only eight such cases of impeachment have occurred since the adoption of the Constitution. The first case presented before the Senate, that of Senator William Blount (1799), did not come to trial; the decision was made that, under the Constitution, only "civil officers" can be impeached, and that a Senator of the United States is not a civil officer. The other noted cases are those of Justice Samuel Chase of the Supreme Court (1804), and President Andrew Johnson (1868). The impeachment of Justice Chase was a dangerous interference with the independence of the Judiciary. He was acquitted by the Senate; and, after this failure, the Supreme Court was never again directly attacked by the political branches of the Government. President Johnson, in the troublous times of reconstruction, escaped conviction by but a single vote. Four Judges of the District Courts of the United States have been impeached: John Pickering (1803), James H. Peck (1830), W. H. Humphries (1862), and Charles Swayne (1905). Judge Pickering seems to have been insane, and was removed from office; Judge Peck was acquitted, and Judge Humphries was convicted of treason. Judge Charles Swayne was impeached for residing outside of his district, and for overcharges and other improper conduct; but the Senate, regarding the charges unfounded, acquitted him. In 1876 W. W. Belknap, Secretary of War, was impeached, but was acquitted.

Bills for Raising Revenue.—All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other

bills (H¹). In all free countries the legislative branch tends to become the most powerful, and is clothed with those powers which come nearest to the people. Among these is the power to tax. Congress has ample revenue powers, but the power to originate all such bills is vested in that house which is supposed to be in closest touch with the people. The Senate may, however, originate a bill which requires the expenditure of money, but the House must originate the bill for levying the tax required.

Sessions of Congress.—Congress must assemble at least once every year, and such meeting is on the first Monday in December, unless by law Congress appoints a different day (E²). Each Congress lasts two years, that is, during the time for which each new set of Representatives is elected. There are two regular sessions: a long session, and a short session. The long session begins on the first Monday in December following the beginning of the Representative's term, and continues until some time in midsummer. The short session begins on the first Monday of the following December, but can continue only until March 4 of the next year, at which time the term of office expires for all Representatives and for one third of the Senators. Long sessions end in even years (1910, 1912, etc.), and short sessions in odd years (1909, 1911, etc.). Congress may by law provide for special sessions, or may hold adjourned sessions. Extra sessions may be called at any time by the President of the United States for the transaction of urgent business. Unless an extra session of Congress is called, newly elected members do not take their seats until thirteen months after their election. The term "a Congress" is applied to so much of the continuous life of the National Legislature as is embraced within the full term of the Representative. The First Congress was that filling the period 1789-1791;

the Second, that of 1791-1793; while the Sixty-first Congress has the period 1909-1911.

Neither house, during the session of Congress, can, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses are sitting (F⁴). Both houses have been called together in special session but twelve times in the history of our country. A special session of the Senate is always called after the inauguration of a President, in order to confirm his appointments. The Senate alone has repeatedly been called in extra session to confirm appointments and to ratify treaties. The House of Representatives has never been called in special session alone, since without the Senate it cannot complete any public business.

Privileges and Disabilities.—During their attendance at the sessions of their respective houses, or while going to or returning from the same, Senators and Representatives are exempt from arrest except for treason, felony, or breach of the peace (G¹). Nor can a member of either house be held liable to prosecution for libel or slander for anything which he may have said in Congress in any speech or debate. This freedom from arrest and this exemption from responsibility are really to protect the rights of the people; since the Nation should not be deprived of the services of the representatives of the people, nor should freedom of debate be limited.

No Senator or Representative can be appointed to any office under the authority of the United States which shall have been created, or the pay of which shall have been increased during the time for which he was elected (G²). A Senator or a Representative may be appointed to any office that existed at the time of his election, if the pay has not been increased. But he must resign his seat in Congress; for no person, holding

any office under the United States, can be a member of either house during his continuance in office (G²).

Contests: Quorum.—When any question is raised as to the election or qualification of a member, the house in which he claims a seat decides it. A majority of each house constitutes a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members (F¹).

Rules: Expulsions.—Each house determines the rules of its proceedings, punishes its members for disorderly behavior, and by a two-thirds vote may expel a member (F²).

The Journal.—Each house keeps a journal of its proceedings, and these are published from time to time except such parts as require secrecy. At the desire of one fifth of the members present, the yeas and nays are entered on the journal (F³).

Committees.—Congress necessarily transacts an immense amount of business in legislating for the wealthiest nation on the globe—a nation of seventy-six millions of people, inhabiting a territory of over three and one half millions of square miles. In order to expedite business, each house of Congress is divided into a large number of committees. Each committee is concerned with a certain class of business; and bills, when introduced, are referred to the proper committees for consideration. The committees consider these bills carefully, investigate, and, if necessary, ask the opinion of outside persons in order to discover the value of the measures. After such consideration, the bills are reported back to the House or Senate. Only the more important ones reach this stage; for, on account of lack of time, if for no other reason, the majority are “killed in committee.” Thus the committees determine the form and character of our laws. The debates on the bills when presented are really discussions of the reports of the

various committees. The report of a committee usually decides the fate of a measure. The power of appointing committees has recently been taken away from the Speaker, but the change will be complete only when he is deprived of his function of leadership of his party.

One of the most important committees in the House of Representatives is the Committee on Rules. Formerly it consisted of the Speaker as chairman, who appointed four others of the most experienced and influential members, two from each of the leading parties. The new plan (1910) gives an enlarged membership, elected by the House, and forbids participation by the Speaker in the meetings of the committee. The chairman of the Committee on Rules divides with the Speaker authority over the deliberations of the House, and responsibility for action is thus distributed.

Mode of Passing Bills.—A bill is a proposed law. In the general process of legislation, it may become a law by receiving the consent of Congress and that of the President of the United States. A law regulates, controls, governs, and must be obeyed. A bill has no force of itself.

Any bill, excepting one of revenue, may be introduced in either the Senate or the House of Representatives. It is then referred to the proper committee. If it is reported back and passed by a majority in each house, it is then sent to the President of the United States. If he signs it, the bill becomes a law of the country (H²).

If the President does not approve of the bill, he returns it to the house in which it originated, with a message in which he sets forth his objections and his reasons for refusing to sign it. When the President returns a bill unsigned, he is said to *veto* it. The term *veto* means "I forbid." The bill may yet become a law, however. The house to which the bill is returned

again considers it, a quorum being present. If two thirds of the members present agree to pass the bill a second time, it is then sent to the other house. If two thirds of the members re-pass the bill over the veto, it becomes a law without the signature of the President.

In accordance with the Constitution, the President must either sign or veto a bill within ten working days after he has received it, or the bill becomes a law in like manner as if he had signed it. But Congress by adjournment may prevent its return, in which case it does not become a law. When the President thus holds a bill so that the time for adjournment arrives before the expiration of the ten days allowed for returning it, his retention of it under these circumstances at the end of a session is called a "pocket veto."

Bills are sometimes defeated by a process called *filibustering*. In the House, this is done by making motions delaying action,—such as motions to adjourn, or calling for the yeas and nays upon them. In the Senate, a bill particularly objectionable to a minority may be "talked to death" by the unrestricted right of debate exercised on the part of the Senators. In the House, however, dilatory tactics of a minority may be ended by a process known as *cloture*, which calls for an immediate vote on the question before the House.

After a bill becomes a law it is sent to the Secretary of State, who preserves it as a part of the law of the land.

QUESTIONS

What is the supreme power in the British system of government? In what respect is Congress a National body? In what respect is it a Federal body?

What are the qualifications, length of term, and salary of a Representative? Of a Senator?

How is the number of Representatives determined? Of Senators?

Give the reputed history of the term "gerrymandering." Is there any sign of such action in the boundaries of the Congressional districts of this State?

What is the number of Representatives in the present Congress? What is the number representing this State?

To how many Representatives in Congress is the State of Pennsylvania entitled?

How are Representatives apportioned to the several States? By what authority is the State divided into Congressional districts? How are Representatives chosen?

What is the constituency of a Representative? Of a Senator? Of a President? Of a State representative in Assembly? Of a State senator?

How is a vacancy in the House of Representatives filled? What are the qualifications of a Representative? Of a Senator?

Describe briefly the power of Congress and of the State Legislature over the election of Senators and Representatives.

What are the conditions of eligibility to the United States Senate? The House of Representatives? By whom are our Senators chosen?

How may a bill become a law?

To whom would a member of Congress send his resignation if he desired to be relieved?

What title is given to the presiding officer of the House of Representatives? How does he obtain this office, and how long does he hold it?

Who is the present Speaker of the House?

What officers in Pennsylvania are required to take an oath or affirmation upon assuming office?

Give an account of the election of United States Senators. What other plan has been proposed?

State by whom and for what period the Senators in Congress are elected. What salary does a Senator receive?

Who is the President of the Senate? Can he vote at any time? What are the other officers of the Senate?

When does the Vice President have a right to vote?

How are vacancies in the United States Senate filled?

Who administers the oath of office to the new Senators?

Write out in full that part of the Federal Constitution which relates to the arrangement of the Senators into classes.

Discuss the Senate in regard to its characteristic powers.

How may the President be removed from office?

If the President of the United States were to be impeached, how would it be done?

Who presides in the Senate when the President of the United States is impeached? Which President was impeached?

Explain this news item: "The Oklahoma Senators drew lots December 17, 1907. Thomas T. Gore drew the term ending March 3, 1909; Robert L. Owens drew that expiring March 3, 1913."

Give the history of a bill after it has passed Congress. Where must all bills for raising revenue originate?

What duties do the committees in the two houses perform?

How are the several Congresses numbered? When does the legal existence of a Congress begin? When does it end? What is the number—official designation—of the present Congress?

When does Congress assemble? Can it assemble at any other time?

Give an account of the two regular sessions of Congress. How are special sessions convened?

To what extent are the members of Congress privileged from arrest and from being questioned for any speech or debate?

What is the difference between an appropriation bill and a revenue bill?

What is meant by the term Senatorial courtesy? What are its advantages and disadvantages?

Can suit be brought against members of Congress for language used in debate? Why?

How may disorderly conduct in Congress be punished?

Give historical instances of such action. How may a member of Congress be expelled?

What constitutes a quorum in the House? In the Senate?

What means may be used in order to secure a quorum? What is meant by the term "counting a quorum"?

What is the power of each house in regard to rules, order, adjournment, etc.?

What is the rule concerning adjournment? What is the object of this rule?

Who makes the final decision as to who are entitled to a seat in either house of Congress?

What is the number of your own Congressional district? Of what counties is it formed?

What makes Congress the center of National politics?

Describe in brief the mode of passing bills. What is filibustering? How are laws made?

Name five powers of a school board in Pennsylvania. Name five powers of the Congress of the United States.

Name three of the most important committees of the House of Representatives.

Under what circumstances may the President defeat a bill without vetoing it? What name is given to such practical veto?

How may the action of the President in vetoing a bill be overcome?

Are there any people in this State who are not counted in making up the representative population? When was the first Federal census taken? When was the last taken? How is a Territory represented in Congress? How is the District of Columbia represented?

What five States had the largest representation in the First Congress? What five States now have the largest representation?

Name the present officers of the House of Representatives.

Compare the House of Representatives with the British House of Commons.

Is Congress now in session? Will the next session be the long or the short one? When was there an *extra session* of Congress? Could the President convene one house without the other?

If two persons should claim the same seat in the House of Representatives, who would decide between them?

Did you ever see a copy of the Congressional Record? If Congress is in session, determine what it has done during the past week. Can a member be punished for an offense committed before he was elected? Is a member of Congress an "officer" of the United States?

CHAPTER XXVI

POWERS OF CONGRESS

Delegated Powers.—The general government from its very nature is largely a government of delegated powers. Having derived its powers from the people, such powers are limited by the Constitution. Most of the powers of Congress are enumerated in the eighth section of Article I. All of these general powers of legislation vested in Congress are necessary to the formation of a strong and efficient government. These eighteen clauses are a vital force in the system of National control. Political parties differ concerning the nature of the powers granted to Congress; one party favoring a broad construction of the Constitution, while the other favors a strict construction which looks toward State rather than Congressional legislation.

Taxes: Tariff: Free Trade.—Congress has power to raise money needed for the payment of the debts of the United States, and to provide for the welfare of the Nation. The power to tax is one of the most essential principles of an enduring government. The only restriction placed upon the power of taxation is that all duties, imposts, and excises shall be uniform throughout the United States; and that direct taxes must be apportioned among the States according to their population (I¹ and C³).

Taxes are of two kinds, direct and indirect. A direct tax

is one laid directly upon the persons or property of the people. A poll tax, a land or property tax, or a tax upon the income of a person, may be named as illustrating this kind of tax. Taxes upon imported goods, called duties or imposts, and excises or taxes on goods made within the country are examples of indirect taxes. The money paid for license to sell spirituous liquors is also an excise tax.

Although Congress has power to lay direct taxes, it has seldom been exercised. Direct taxes were used to help defray the heavy expenses of the Civil War; but the Treasury has not for many years received any revenue from such sources. As to indirect taxes, the United States has no power to levy duties upon exports.

A tariff is a schedule of taxes; but more specifically a law showing the import tax levied upon each article brought into this country. A system of taxation called the protective tariff has for its object, not only the raising of the money for the expenses of the government, but also the protection of home manufacturers. This system makes the duties high on all kinds of articles which we also manufacture in this country. A system of tariff for revenue takes into consideration only the raising of the amount of money needed to carry on the Government and pay the expenses; protection of home industries is only incidental. Free trade is the admission of all foreign goods free of duty. Reciprocity is a system of mutual concessions by two countries by means of which equal privileges as regards the admission of imports are granted.

The duties levied by the United States combine revenue and protection. The tariff applies to States and Territories alike, but not to the islands recently acquired from Spain. Within the borders of the United States proper there is absolutely free trade.

Duties are collected by government officials stationed in customhouses at the various ports of entry. When a vessel from a foreign country arrives, it is submitted, with its cargo and all papers and invoices, to the inspection of the customs officers. These officials attend to the weighing, measuring, and inspecting of the goods subject to duty. All duties must be paid before the imports can be taken away from the ship, or from the warehouses in which the goods may be temporarily placed.

Public Credit.—The power to borrow money authorizes the selling of bonds of the United States, the issue of legal-tender paper money, and the establishment of National banks (I²).

In 1791 the public debt was less than \$76,000,000; and until the Civil War it never exceeded \$100,000,000, except for a few years immediately after the War of 1812, when it rose to \$127,000,000. In 1835 it had decreased to less than \$38,000, but rose again gradually to \$90,000,000 in 1861. When the great civil strife was over, the debt had been greatly increased, reaching its highest point in 1866 at over \$2,773,000,000. On November 1, 1908, the public debt, not including certificates and Treasury notes, was \$1,293,657,878. Of this public debt \$392,665,653 bears no interest. The greater part of the interest-bearing debt is due to bondholders, and bears the low rate of 2 per cent. interest. The remainder was borrowed partly at 3, and partly at 4 per cent. The task of extinguishing the National debt, which Jefferson was so anxious to accomplish, is no longer regarded as vital to the destinies of our government. No other nation borrows money at so low rates as is possible to the United States, and no other great nation has so small a public debt, the entire amount being \$2,637,973,747.

The fourth section of the Fourteenth Amendment (Am. 14) forbids the repudiation of any part of the public debt of the United States. It also makes illegal and void all debts, obligations, and claims incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Commerce.—Under the authority given by the Constitution, Congress has power to regulate the commerce of the United States with foreign nations. Nor can one State refuse to admit the products of another State, or levy any duties upon them. Congress has power to prevent unfair discrimination in freight and passenger rates (I³).

Naturalization.—Congress has provided that a foreigner, unless he belongs to the Mongolian race, may become a citizen on his compliance with certain conditions.

The requirements for naturalization are as follows: Five years' residence in the United States, and one year's residence in the State or Territory where the privilege is sought; two years' preliminary declaration of intention to become a citizen; an oath to support the Constitution; the renouncing of allegiance to any foreign power, and of all titles of nobility. The naturalized citizen is entitled to all the rights of the native-born citizen, except that he can never be President or Vice President (I⁴).

Congress has power to extend naturalization by general law to the inhabitants of large sections of country. When by joint resolution Texas was annexed as a full-fledged State in 1845, wholesale naturalization was practiced. A more recent example occurred when by Act of Congress in 1900, all persons who in 1898 were citizens of the Republic of Hawaii, were declared to be citizens of the United States and of the Territory of Hawaii. President Jefferson and the Senate practi-

cally did the same thing by treaty when the vast territory of Louisiana was purchased in 1803.

The right to vote is given by the States, and in most of them citizenship is an essential qualification of the voter. Yet in about one fifth of the States foreigners may vote if they have declared their intention to become citizens.

Bankruptcy.—A bankrupt is a person who is unable to pay all his just debts. In law, the term is applied to a person who has been judicially declared unable to meet his liabilities. A bankrupt law enables a debtor to be discharged from the payment of his debts upon giving up all property to his creditors. Congress has power to pass laws by which insolvent debtors may settle their affairs. There have been four laws enacted concerning bankruptcy: the first in 1800, repealed in 1803; the second in 1841, repealed in 1843; the third in 1867, repealed in 1878; and the fourth in 1898. Many States have passed bankruptcy laws of their own, but these are always subject to the National law when there is one in force (I⁴).

Money.—As a consequence of the power conferred on Congress to coin money and to regulate its value, the United States has a uniform currency. The individual States are expressly forbidden to coin money or to make anything but gold and silver a legal tender for debts.

The place where money is coined is called a *mint*. Mints have been established in different cities, but those in Philadelphia, New Orleans, and San Francisco are the only ones now in operation. The mints at Carson City and Denver are at present equipped as Assay offices. The principal mint, and the first that was established in this country, is at Philadelphia (I⁵).

The right to coin money implies the right to issue paper

money. Such bills, however, are only evidence of a credit, and are but convenient substitutes for money. Paper money is taken by the people only because the Government stands responsible for the various forms of paper money issued. All paper money is made at the Bureau of Engraving at Washington.

The paper money that is nearest to actual money of all the forms issued consists of the gold certificates and the silver certificates, issued on the security of gold and silver deposited as bullion in the Treasury of the United States. They are legal tender for all obligations public or private, except that part of the interest on the public debt which the Government agrees to pay in gold coin.

Another part of the paper money in circulation consists of the bank notes issued by National banks under the sanction of the Government, and secured by United States bonds deposited by such banks with the United States Treasurer at Washington. These notes are not a legal tender for private debts; but they are readily accepted everywhere, since the holders of such National bank notes, were it desirable to do so, could have them redeemed in gold or silver by presenting them at the bank of issue or at the United States Treasury. As a means of protection of the interests of the people, the Government inspects National banks regularly.

Still another part of the money consists of "greenbacks," legal tender notes of the United States, first issued in 1862. They are so named because the devices on the back were printed in green ink to prevent alterations and counterfeits. Like gold coin and silver dollars, they are legal tender for all private debts. At one time the total amount of greenbacks outstanding was \$600,000,000. After the resumption of spe-

cie payments in 1878 a large number of the greenbacks were redeemed and permanently retired. When the amount had been reduced to \$346,000,000, Congress passed an Act requiring that thereafter any of the notes redeemed should be re-issued. Greenbacks are receivable for all debts and public dues, and are redeemed in coin at the Treasury on demand.

Counterfeiting the coin and securities of the country is a serious crime. The law against counterfeiting provides a penalty of a maximum fine of five thousand dollars and imprisonment for not more than ten years (I ⁶).

Weights and Measures.—Congress has the power to fix the standards of weights and measures. The United States standards of weights and measures are accurate copies of the English standards. The English system has become so firmly fixed as the result of several centuries of use that any change would be exceedingly difficult. Congress made the use of the metric system permissive in 1866; but, although its use is quite general among scientific men, the system has never become popular (I ⁵).

Post Offices and Postage.—The common expression, “the United States mail,” recognizes the single authority of the Government in the control of mail routes and post offices, and the establishment of a complete postal system (I ⁷). The first cognizance which the United States takes of its new territory is in the mail service. When the savage finds the mail carrier calling at his back door, he may consider himself on the way to civilization. Even in the wilder parts of our vast domain the system of “toting” by private enterprise soon gives way to government carriers, and the people rejoice in far Alaska when the charge of one dollar a letter reduces to the trifle charged by our postal rates. The present rate for a letter sent to any part of the United States is two

cents. Five cents postage will send a letter to any of the civilized countries of the world.

All mailable matter is divided into four classes. First-class matter consists of letters and other written matter, sealed or unsealed, and all other matter sealed or fastened in any manner not easily examined. Its rate of postage is two cents per ounce or fraction thereof; except on postal cards, and on local or drop letters where there is no free delivery, in which cases the rate is one cent. Second-class mail matter consists of newspapers and periodicals issued not less than four times a year from a known office of publication. Such matter may be mailed by the public at one cent for each four ounces, but publishers and news agents may mail it for one cent a pound. Publications sent to actual subscribers within the county where published are free from postage unless mailed for local delivery at a letter-carrier office. Third-class matter is books, circulars, proof sheets, corrected proofs, engravings, etc. The postage on this class is one cent for each two ounces or fraction thereof. Fourth-class matter includes merchandise, samples, and all mailable matter not included in the other classes. The limit of weight is four pounds, and the postage rate is one cent per ounce.

Special-delivery stamps are sold at post offices at ten cents additional postage. These entitle the letters to immediate delivery by special messenger to any point within a mile of a post office. Letters or any other mail matter may be registered at the rate of ten cents for each package. Such matter is carried with special precautions against loss. It can readily be traced, since every person who handles it must receipt for it. In case of loss of first-class registered matter, the Government will pay its value up to fifty dollars. The registry system reaches every post office in the world.

Domestic money orders are issued at money order post offices for sums not exceeding one hundred dollars at rates from three to thirty cents above the sum of money to be sent. The system provides an absolutely safe and convenient means of transmitting money.

Domestic rates of postage apply to Canada, Mexico, Cuba, Tutuila, Porto Rico, Guam, Hawaii, the Philippines, the "Canal Zone," the Republic of Panama, and Shanghai, China. The letter rate to Great Britain and Ireland is two cents an ounce or fraction thereof. Germany has the two-cent rate when letters are exchanged by sea direct.

All civilized countries are included in the Postal Union. To most foreign countries the postage rates are for letters, five cents for the first ounce or fraction thereof, and three cents for each additional ounce; postal cards two cents each; second and third-class matter, two ounces for one cent.

Rural free delivery of letters has become a permanent branch of the postal administration. The annual appropriation for this service is twenty-five millions of dollars, and exceeds that provided for city free delivery; the number of carriers is also greater. The rural service, with daily delivery and collection, is in operation on thirty-six thousand routes and extends its benefits to over three million families. Persons desiring the benefits of service on a rural delivery route are required to furnish, at their own expense, boxes for the reception of mail to be delivered or collected by the carrier.

Copyrights and Patents.—The exclusive control of copyrights and patents is given to Congress. Copyrights are secured through the Librarian of Congress, and give the exclusive right to print, publish, and sell the book or other production for twenty-eight years. A copyright may be extended for an additional twenty-eight years if desired.

Applications for patents are made to the Commissioner of Patents. A patent gives the inventor the exclusive right to make and sell his invention for the period of seventeen years. By filing a *caveat* in the Patent Office, an inventor may protect his invention while maturing the same (I⁸).

Inferior Courts.—Congress has power to establish courts inferior to the Supreme Court. These are: Circuit Courts of Appeals, District Courts, the Court of Claims, Court of Customs Appeals, Commerce Court, Courts of the District of Columbia, Territorial, and Consular Courts (I⁹ and P).

Piracies.—Congress has the power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. It is right that these matters of admiralty and international law should be placed under the control of the National Government (I¹⁰).

War Powers.—Congress has the power to declare war (I¹¹), to raise and support armies (I¹²), to provide and maintain a navy (I¹³), and to make rules for the government and regulation of the land and naval forces (I¹⁴). Thus the security and defense of the country is amply provided for. The President is the commander in chief of the army and navy of the United States. But he must look to Congress for the laws providing for the establishment and maintenance of the same. No appropriation of money for the support of an army can be made for a term longer than two years (I¹²). Thus the President and Congress cannot long carry out a war policy which the people disapprove, for the next Congressional election would reverse it.

Army and Navy.—Although the President is commander in chief, and has complete control of the army and navy of the United States, he never takes the field himself, but intrusts the direction and control to officers appointed by him,

reserving only to himself the right to interpose in exceptional cases.

Man for man the army of the United States challenges comparison with any army in the world. It is in an excellent state of efficiency, and an American citizen has no cause to apologize for the personnel, courage, and discipline of the army of his country. Should an emergency arise, it will not be found wanting. It is, indeed, small as compared with the population of the country; but this is because it is purposely kept in the form which can be most rapidly changed into an organization for the field. It is much stronger in cavalry and artillery in proportion to the infantry than it would be for campaign purposes. This is because, were we to engage in war, it would take a comparatively short time to increase our infantry arm, but a much longer time to increase the cavalry and artillery branches of the line. In time of war, when the patriotism of the youth of the nation is aroused, there has rarely been difficulty in enlisting all the men that were needed for an emergency. Each cavalry and infantry regiment has a detachment of machine-gun experts. The total strength of the different branches of the service in 1909 was as follows: Total enlisted men in cavalry, 13,266; coast artillery, 19,321; field artillery, 5,245; infantry, 26,616; engineers, 2,002; additional strength, 6,816. Total in the line of the army, 73,266. The staff departments add 4,477, making a total of 77,743 in staff and line. The law provides that the strength of the army shall not exceed 100,000.

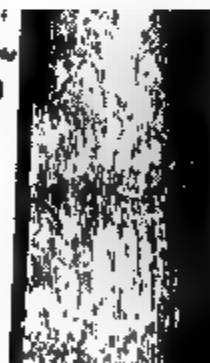
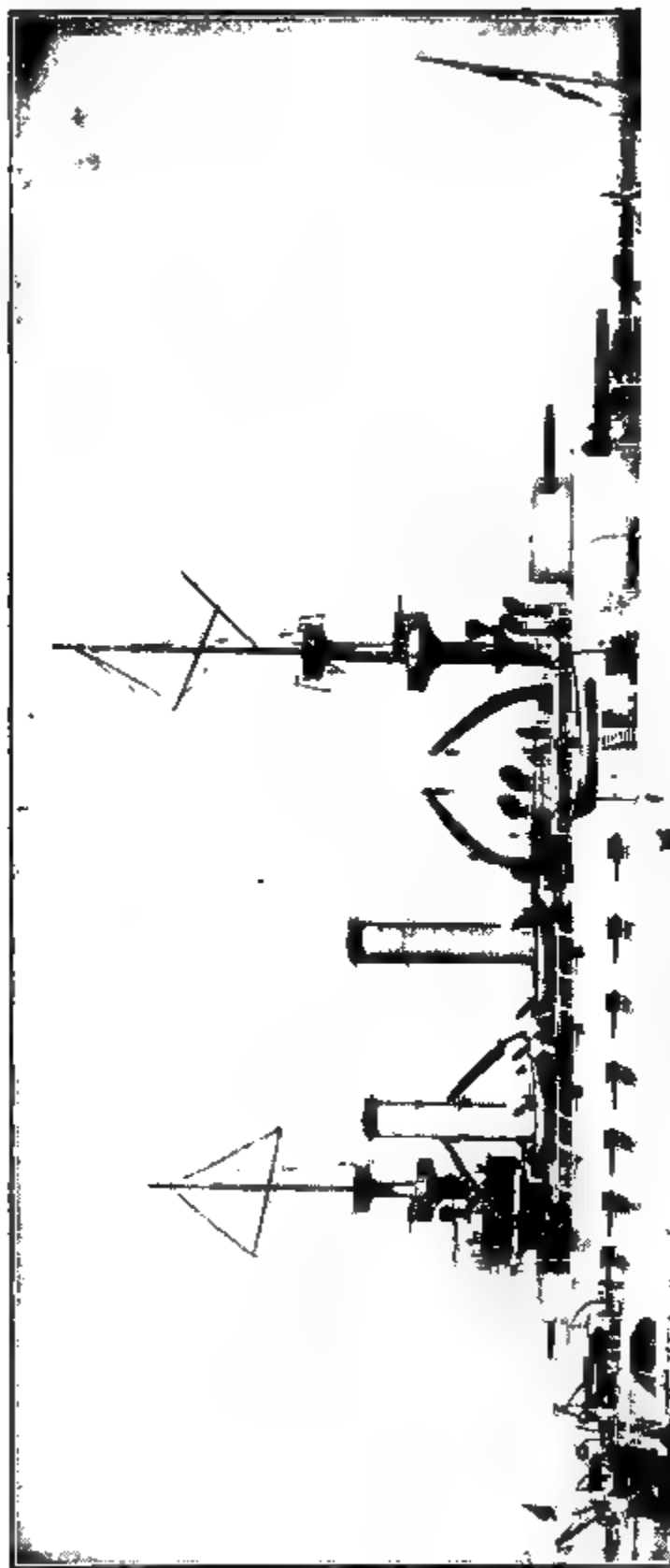
In addition to the regular army, Congress has power to call into service the militia or citizen-soldiery of the United States (I ¹⁵). In the broadest sense of the term, the militia comprises all the able-bodied male citizens of the States between the ages of eighteen and forty-five. The President

cannot call them into active service for a longer period than nine months in any one year. The organized militia, termed the National Guard, consists of State troops trained by State officers, and may be called out by the Governor of the State whenever needed to assist the civil authorities in suppressing riots. The State militia may be called into the service of the United States, in which case it is subject to the orders of the President and is paid and cared for like the regular army (I ¹⁶).

The navy of the United States holds high place in the esteem of the American people. Our naval history is singularly free from incidents calculated to diminish admiration for this branch of the public service. The Revolution and the War of 1812 showed that our small navy was not below the greatest in the skill of its captains, the quality of its ships, and the valor of its sailors. In modern times the navy has met every test with such success that few observers will be found to deny its equality, so far as individual efficiency of men, ships, and guns is concerned, with the navy of any other great power. In recent wars the record of the navy has been one of almost unbroken success. Our naval service has always been imbued with a high sense of loyalty to the constituted authorities of the country.

A navy is in an absolute sense an instrument of warfare, and is large or small only with reference to the strength of the enemy it may be called upon to encounter. The main thing to be sought is the keeping up of the efficiency of the various vessels as instruments of defense under the control of skilled officers and men. The annual expenditure at present is about one hundred and four millions of dollars.

The oldest vessels of our battleship division are the veterans of the Spanish-American War, the *Oregon*, *Massachusetts*,



BATTLESHIP KENTUCKY

Indiana, and the *Iowa*, the formidable fighting machines at Santiago. Since that time, many great battleships have been put in commission. The *Texas* lies in Chesapeake Bay, torn and battered by the practice-fire of the *New Hampshire*. The present tendency as to battleship armament places dependence upon large guns of great caliber and long range; with a numerous battery of rapid-fire guns of small caliber used in repelling torpedo boats.

The officers of the army and navy are not subject to impeachment, but are tried before special military or naval courts called *courts-martial*, which are appointed for the purpose by the President of the United States.

The power to grant letters of marque and reprisal is vested in Congress. By this is meant the granting of authority whereby private persons are permitted to fit out privateers or armed vessels to prey upon an enemy's commerce. Such license was given in the War of 1812; but the great nations of the world have abandoned the practice.

The District of Columbia.—The capital of the United States is the city of Washington, situated in the District of Columbia, at the head of navigation on the Potomac River. This Federal District was originally ten miles square, and was ceded to the United States by Maryland and Virginia. The part ceded by Virginia was returned to that State in 1845, and the area of the District is now only seventy square miles. The District is under the direct jurisdiction of Congress. The inhabitants have no representation in Congress, nor any rights of suffrage at local or National elections. The executive and judicial officers are appointed by the President, and Congress acts as the legislature of the District (I¹⁷).

Implied Powers.—Congress is granted the power to make all laws which are necessary and proper for carrying into exe-

cution the powers that have been described above, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer of the Government (I¹⁸). It was impossible to enumerate every particular act which Congress could perform; so, certain powers were expressly granted, and this general grant of power was added. It has been held that this clause confers no additional power; since, wherever the general power to do a thing is given, the particular powers necessary for doing it are included. This has been called the "elastic or sweeping clause," because it can be urged in defense of almost any action of Congress. Patrick Henry, who was a fierce critic of the Constitution and strongly opposed its adoption by Virginia, centered his objections about the single idea that, as it then stood, it seriously endangered the rights and liberties of the people of the several States.

The adoption of the Constitution was sufficient warrant to Congress in the use of all the means which were expressly *delegated powers* given by that instrument. But the need of a strong government soon gave rise to the doctrine of *implied powers*, a doctrine advanced by Alexander Hamilton. This doctrine rests upon the idea that unless directly prohibited by the Constitution, all powers found necessary and proper for carrying out the powers specifically granted, are given to the government by implication. The power to do a thing includes the power to use the necessary means for doing it. While the doctrine of implied powers has never been entirely denied by any American statesman, great differences as to the extent of the application of the principle have given rise to the two great schools of political thought which have molded the policy of the nation and brought it to its present proud position. In the Cabinet of Washington, two great men were the

exponents of these contrasting principles. Jefferson, the Secretary of State, believing that the government was one of delegated powers, endeavored to limit Congress as closely as possible to the powers enumerated in the Constitution. The followers of Jefferson took their stand as advocates of the *strict construction* of the Constitution. On the other hand, Hamilton, the Secretary of the Treasury, advocated the idea of a *broad construction*. In his view, the Constitution was to be interpreted as granting all powers that go to make up a strong and efficient government; not only those powers expressly indicated in the Constitution, but also those which should be found, as time unfolded, to be fairly and clearly implied in the objects for which the Government was established.

Broadly speaking, the Republican party of to-day may be said to date back to Hamilton, while the Democratic party follows in the policy of Jefferson. Through their mutual control against excesses, these two principles of interpretation, *broad construction* and *strict construction*, have wrought for the good of the country. The one gave us a strong financial policy and the extension of the functions of government to all the great objects necessary to the creation of a vigorous and united Nation. The other prevented the Bank of the United States from becoming a vast political force, a menace to the liberties of the people, and gave us instead an independent treasury keeping its vast balances in its own vaults.

QUESTIONS

Is the money you pay for a postage stamp a tax?

Does the Constitution of the United States declare any general principle in reference to taxation?

What three restrictions does the Constitution of the United States place upon the taxing power of Congress?

Write the names of the different kinds of taxes.

When does Congress practically serve as a city council? How is the District of Columbia governed?

What are the delegated powers of Congress?

What is a tariff? Distinguish between specific and *ad valorem* duties. What is meant by reciprocity?

Under what circumstances is the Government justified in borrowing?

What are United States bonds? What is money?

When was the first Bank of the United States chartered? When was the first National bank organized in the United States?

Discuss the topics: money, bankruptcy, weights and measures, public credit, and commerce.

What State has been annexed? What States had no territorial government before admission?

Give some examples of wholesale naturalization.

Describe the circumstances under which Louisiana was acquired. State some facts concerning the acquisition of Florida; Texas, California; Hawaii; Porto Rico, the Philippines.

Suppose your gold certificate should be burned, would the Government gain or lose?

Which do you see more frequently, gold certificates or silver certificates? What was the smallest amount for which you ever saw a gold certificate? The largest amount?

Is a United States bank note legal tender for all debts? What is the penalty for counterfeiting it? Where was the note you examined printed?

Why should a voter be a citizen of the United States?

What is meant by a tariff for revenue only?

What does the Constitution say about naturalization? What are the laws on the subject?

Define treason; letters of marque and reprisal; the writ of *habeas corpus*.

How does the Government borrow money? How much does the Government owe, and what is the form of the debt? Has Congress power to prohibit commerce with one or more nations? When did Congress prohibit American merchant ships from leaving port?

How are National banks organized? What is meant by the term

legal tender? Is there a standard pound in this State? A standard bushel?

Look on the back of a greenback for the law about counterfeiting. Is there any law against passing counterfeits?

When was our Post Office Department established? Who was placed at the head of it? Who is the present Postmaster-General? What is meant by the term Presidential offices in speaking of post offices?

What are the present rates of postage in the United States? How much does it cost to send a letter to England?

When were postal cards introduced?

Is this book copyrighted? What things besides books are copyrighted? Name some book that is not copyrighted. How is a copyright secured? How long does a copyright continue in force? How may it be renewed?

What is a patent? How may an inventor secure time to perfect his invention? Name five important patented inventions. What effect does the expiration of a patent have upon the price of the article? Is it unfair that an inventor should make a fortune out of his invention?

In what way do patents and copyrights promote the progress of science and the useful arts?

Could Congress establish more than one Supreme Court? By what authority does Congress organize Territorial Courts? Who is the Federal judge for this district?

What is piracy? Who may punish a pirate? Can a pirate claim the protection of the American flag? What protection is afforded by letters of marque and reprisal?

Give arguments in favor of the *militia* system, as against that of a large standing army. What circumstances favor us in adopting the militia system? What noted instances of great volunteer armies can you mention?

Where are the officers of the army educated? Give an estimate of the total strength of the regular army. Who has charge of the War Department?

Where are most of the naval officers educated? How does the navy of the United States compare with the navies of other great powers?

Name some of the most famous ships mentioned in the naval history of the United States.

What is the difference between military law and martial law?

What is counterfeiting?

What is meant by the term demonetization of silver? What is the silver certificate?

What are the implied powers of Congress? How do they differ from delegated powers?

What is an express or delegated power of Congress? Name four express powers of Congress, and three implied powers.

What power has Congress over government property?

Why was the capital of the United States placed under the exclusive control of Congress?

Hamilton claimed that the United States could establish banks under the "elastic or sweeping clause." What is this clause?

How are new issues absorbed by the great parties? Give one great illustration.

State the principles held by the great political parties. Name the minor parties, and state the principles held by each.

What were the political views of Thomas Jefferson? Of Alexander Hamilton?

Distinguish between a "boss" and a leader.

Describe the permanent organization of a political party. Name two great parties, and tell wherein they differ in principles.

Name some of the great politicians who have made political history. Who are the leaders at the present time?

CHAPTER XXVII

POWERS DENIED TO CONGRESS AND THOSE DENIED TO STATES

The Slave Trade.—At the time of the adoption of the Constitution, the majority of the members of the Convention were in favor of leaving Congress free to prohibit the importation of slaves. Laws prohibiting the foreign slave trade had been passed by all the States except North Carolina, South Carolina, and Georgia. As it was desirable to bring as many States as possible into the Union, and very doubtful whether these States would agree to the Constitution were Congress left free to prohibit the slave trade at once, and as some influential New Englanders were engaged in this traffic, it was at last agreed that the slave trade should be left open for twenty years. A duty of ten dollars might be imposed on every slave imported (J¹).

At the earliest possible time Congress exercised its power for terminating the foreign slave trade. The tax permitted was never imposed. A law was passed in 1807, to go into effect January 1, 1808, making the importation of slaves unlawful. In 1820, the African slave trade was declared piracy, and made punishable by death. The result of the Civil War was the abolition of slavery, and the Thirteenth Amendment has made this clause of historic value only.

Habeas Corpus.—The object of the clause concerning *habeas corpus* (J²) is to protect people from unjust imprison-

ment. Every person upon being arrested for alleged crime has the right to immediate hearing as to whether there is sufficient cause for his detention or imprisonment. This right is enforced by a writ of *habeas corpus*, an order directing the officer who has the person in his custody to bring the *body*—the person—into court and to show cause for his detention. So important is this right, that it can be suspended only in cases of rebellion or invasion, when the public safety demands it (J²). The writ takes its name from the words *habeas corpus*, “have the body,” found in the old Latin form.

While stating that the writ of *habeas corpus* can be suspended only in times of rebellion or of invasion by a foreign army, when the public safety may require it, the Constitution does not specify who has the right to suspend this writ. In the early days of the Civil War, in order to prosecute successfully the war for the preservation of the Union, President Lincoln suspended the writ of *habeas corpus* by ordering military officers not to give up persons arrested on charges of disloyalty, even when judges issued the proper writs. Many strong Union men protested against this action, and declared that the President deliberately violated the Constitution. The truth is that no written frame of government could meet completely the terrible needs of a great civil war, and perhaps it was necessary to bend the Constitution to avoid breaking it. It is now agreed, however, that this power of suspension of the writ belongs to Congress alone. Even in the case of Lincoln's suspension of the writ of *habeas corpus*, Congress fully sustained him in the exercise of the power; for afterward a law was passed legalizing his acts and giving him power to continue such suspensions of the writ.

Bills of Attainder.—A bill of attainder is an act of the Legislature by which the punishment of death or outlawry is

inflicted upon a person, without a trial. In English legislation the legal heirs could not inherit the estate of the attainted person, but it was forfeited to the Crown. Congress is expressly forbidden to pass any such bills (J³).

An *ex post facto* law is literally one which is made after an act is done. But it is in fact a law that makes punishable as a crime, an act that was not criminal when done. Any law that increases the punishment of a crime after it has been committed, becomes also an *ex post facto* law as regards the punishment of the accused persons. If, for example, a law should be passed requiring all persons now charged with stealing, to be imprisoned for life, if found guilty, such law would be *ex post facto*; and the persons convicted could not be made to suffer its penalty, because the crime, when committed, was punishable by a shorter term of imprisonment. Congress cannot pass such laws (J³).

Proportional Taxation.—If Congress levies any direct tax upon the people it must be apportioned among the States according to their population (J⁴). The census taken every tenth year enumerates the people. A direct tax is one levied upon the very person who is likely to bear the burden. A capitation tax or poll tax is a tax levied upon each head or person. It has recently been decided that a tax based upon incomes is a direct tax, and must be distributed among the States in proportion to their population. An Income Tax Amendment to the Constitution is now (1910) before the States for ratification.

Export Duties.—No export duties can be laid by Congress. No law for taxing exports could be devised which would operate equally upon the interests of the different States. In some States the chief product is grain; in others, cotton; and in others, manufactures. How could Congress fix a just tax

upon the several articles? If an export tax of twenty cents per bushel was levied upon wheat, what would be the just tax upon a pound of cotton? Such problems would be impossible of adjustment among the representatives of the various States. The same clause also makes entirely free the internal trade and commerce of the country (J⁵).

Impartial Commercial Laws.—Congress can pass no law giving a preference to the ports of one State over those of another. Vessels bound to or from one State cannot be obliged to enter, clear, or pay duties in another (J⁶).

To *enter* a ship at a port is to notify the proper officers of her arrival, and to submit at the customhouse the invoices of her cargo. To *clear* a ship at a customhouse is to show and obtain the papers required by law, to secure permission to leave the port.

All ships engaged in carrying goods and passengers between ports in the United States must be American ships, and these must be built in American shipyards. Most of our foreign commerce is carried in foreign-built vessels, since both foreign and American ships may engage in such commerce, and ships are built for less money abroad than in the United States.

Appropriations.—No money shall be drawn from the treasury but in consequence of appropriations made by law. This clause places the control of the public money in the hands of the representatives of the people, and beyond the reach of the Executive or any other officer. At the same time, if Congress becomes extravagant, the President can guard the people's money by vetoing appropriation bills. Congress, at every session, passes many appropriation bills prepared with great attention to detail, and the annual expenditure of money for the expenses of the United States Government amounts to many millions of dollars.

Every month a statement and account of the receipts and expenditures, and surplus on hand is issued. Such financial reports are made by the Secretary of the Treasury, and published by order of Congress, in order that the people may know for what purpose the public money is expended (J⁷).

Titles of Nobility.—Any mere title of nobility could not add to the political power of any person under our Constitution; but, since it is proper that there should be equality of rank as well as of political rights, Congress is prohibited from granting titles of nobility. These would be out of character and corrupting in tendency in a republican country. It is further provided that no officer of the United States can, without the consent of Congress, accept any present, office, or title from any king, prince, or foreign state (J⁸).

Powers Denied to the States.—The successful working of the National system of government renders it necessary that certain powers be denied to the States. No State can enter into any treaty, alliance, or confederation; coin money, issue paper money, or make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility (K¹).

No State, without the consent of Congress, can lay any imposts or duties on imports or exports, except such as are necessary to pay the costs of inspection service (K²). Nor can any State, without the consent of Congress, levy any tonnage tax on ships, keep troops or ships of war in time of peace, or enter into any agreement or compact with another State or a foreign power. No State can engage in war, unless it is actually invaded or in such immediate danger of invasion as will not admit of delay (K³).

Some of the prohibitions named above have also been

placed upon Congress, and there can be no good reason, therefore, for granting the powers to the States. Uniformity in legislation is secured, and the States are prevented from exercising harmful power. The reasons for these prohibitions are manifest, and any extended remarks upon them unnecessary. A very famous lawsuit, the Dartmouth College case, arose under that part of this clause (K¹) which forbids any State to pass a law impairing the obligation of contracts. In 1816 the Legislature of New Hampshire passed an act to reorganize the college under a new charter, which would of course annul the charter previously granted by the State. The trustees, with Daniel Webster as counsel, appealed the case to the Supreme Court of the United States. Chief Justice Marshall delivered one of his great opinions in which he held that the college charter was a contract within the meaning of the Constitution, and that the acts of the Legislature impaired this contract, and were therefore void. This decision brought every charter granted by a State within the scope of the Constitution, and extended the jurisdiction of the highest court more than any other judgment ever rendered by that court. Since then the precedent which it established has continued to exert an enormous influence.

QUESTIONS

When was slavery introduced into the United States?

When was the foreign slave trade prohibited?

Define *habeas corpus*. When has this writ been suspended? Who has the power to suspend *habeas corpus*? Why may *habeas corpus* be suspended in time of war?

What is an *ex post facto* law?

Why are taxes not levied upon exports?

Discuss in a general manner the powers of Congress. How are appropriations made by Congress?

Before money can be taken from the Treasury, what is necessary?

What are the powers denied to the States?

What is meant by obligation of contracts?

What is a treaty? How are treaties made? Name some celebrated treaties. Give the main points of a recent treaty.

Name five subjects upon which the States can make no laws.

What is a capitation tax?

What is a bill of attainder?

Explain the terms, to *enter* a ship and to *clear* a ship at the custom-house.

Describe the Dartmouth College case regarding the obligation of contracts.

Can a State make a treaty with another State or nation? Give reasons for your answer.

What is an extradition treaty?

What prohibitions apply to both the Federal and the State governments? Arrange all the prohibitions in tabular form according to the rights of individuals, the rights of States, and the security of the National Government.

Am. Cit.—18

CHAPTER XXVIII

THE EXECUTIVE POWER

The Necessity of an Executive Department.—A government in which the powers of making, executing, and applying the laws were united in a body of men, however numerous, would be little better than a despotism. There must be a separate and distinct power to execute the laws. Laws are made for the purpose of protecting the good, punishing offenders, and securing the peace and prosperity of the Nation. Under the Articles of Confederation there was no National executive; only a presiding officer of Congress. Feebleness of government could be the only result of such a condition of affairs. No men were better able to understand the need of the concentration of executive powers than were those who framed the Constitution of 1787. Convinced of the necessity of such an officer, these men looked at existing models as exemplified in the frames of government of the various commonwealths. There they found, in every case, a State executive balanced as a power against the State Legislature. The establishment of a Federal executive, charged with the duty of securing obedience and enforcing the laws enacted by Congress, seemed the obvious course to pursue. The framers of the Constitution acted wisely in placing the Executive power in the hands of one person, because unity is favorable to prompt and energetic action. Discord and disagreement would follow divided responsibility, and frequent and inju-

rious delays would result. The Constitution, therefore, provides for the establishment of the Executive Department, in which the one responsible head, with thousands of men as assistants to carry out the details, is able to make effective the body of laws which Congress has enacted for his guidance. The first and most important of all the duties of the Chief Executive is to see that the laws are faithfully executed (N).

The President of the United States.—The Executive power is vested in the President, who is the head and personal representative of the Nation (L¹). He represents the Nation as a whole, just as the Governor of the State represents the Commonwealth. He is simply the first citizen of a free nation, depending for his authority on neither title, nor official dress, nor insignia of office. The President is the only officer who is directly responsible to the Nation for the administration of the Government. He is strong because his rights come straight from the people; and, in the highest sense, he represents the people no less than do the members of the two houses of Congress. The independence of his position, with nothing either to gain or to fear from Congress, should set him free to think only of the welfare of the Nation. If he fails to rise to this lofty plane of National duty, he sinks into the obscurity of the distributor of the spoils of office. Responsibilities make men serious; and those incident to the office of President of the United States of America have caused the manifestation of noble qualities by all our Presidents.

Qualifications.—The qualifications for the offices of President and Vice President are the same (Am. 12). Foreign-born citizens are not eligible. The candidate for either office must have reached the age of thirty-five, and must have been fourteen years a resident of the United States (L⁴). A child born to American parents while abroad would be a

natural-born citizen, provided the parents still retained their citizenship. Such person, so far as his birth is a factor, would be eligible to the Presidency.

Term of Office.—The term of office of both President and Vice President is four years, and they are eligible to re-election. The term of office is sometimes considered too short to insure a due degree of independence, and to enable the President to carry out a system of public policy. However, an unusually popular or capable man may be elected for a second term. Although no provision in the Constitution prevents election to a third term as President, no person has ever held the office for a third term. The burden of responsibility is too heavy to be borne long, and Washington set the example of retiring at the close of the second term. Jefferson, undoubtedly, could have been chosen for a third term in 1808; but his refusal established a custom which has since been followed, although efforts were made in 1876 and in 1880 to secure a third term for Grant. The hero of Appomattox was an exceptionally popular man; and a principle maintained against him is not apt to be departed from for many elections to come.

The Presidential Electors.—The President and Vice President are chosen by the Electoral College, which is composed of Presidential Electors chosen in the several States for that purpose. Each State is allowed to select a set of Presidential Electors equal in number to that of its Senators and Representatives together, and each Elector has one vote. No Senator or Representative, or person holding an office of trust or profit under the United States, can be appointed a Presidential Elector (L²).

Each State may appoint or choose its quota of Electors in whatever manner it sees fit. At first they were more often

MOUNT VERNON, HOME OF GEORGE WASHINGTON

than otherwise chosen by the State Legislature, but now Presidential Electors are always elected by the people as a whole. The day of election must be the same in all the States (L³). The people elect the Presidential Electors on the Tuesday next after the first Monday of November, in every fourth year: 1912, 1916, and so on. The first election occurred in 1789, when Washington was unanimously chosen President. He was also the unanimous choice in the second election, that of 1792.

The people on election day were at first not supposed to be voting for a President and Vice President, but for Presidential Electors. But since the election of Washington, the Electors have simply registered the result of the vote of the people. Soon after election day, long before the meeting of the Electors, we know who is to be the next President. The Electors are chosen to vote for specified candidates, and they do so.

Nomination of Presidential Candidates and Electors.—Under all governments which grant any considerable degree of freedom, political parties arise, differing in their ideas and seeking to control the policy of the nation. Naturally, each party organization in the United States desires to elect to the highest office a man chosen from its ranks, and thus secure the management of public affairs.

In the Summer of the year before a President is to be seated, each party organization meets in its National Convention in some large city to nominate candidates for President and Vice President, and to adopt a platform setting forth the principles upon which the party proposes to stand. These conventions are called by the National Committees. The conventions called by the Republican and Democratic parties consist of four delegates at large from each State, usually

appointed in each State convention, and twice as many district delegates as the State has Congressmen. The district delegates are usually appointed in district conventions. Each Territory, as well as the District of Columbia, is entitled to six delegates. In the Republican National Convention a majority vote for any candidate secures the nomination, but in the Democratic Convention a two-thirds vote is required. National Committees, consisting of one member from each State and Territory, are appointed by each of the great parties to conduct the political campaign for the election of the nominee of the party. The delegates of each State appoint the member of the National Committee for their individual State, while the Presidential nominee of a party practically selects the chairman of the National Committee of his party.

At the State convention of each political party, a ticket of Presidential Electors for that party is nominated. Thus, before the time arrives for the holding of the Presidential election, each party has nominated candidates for President and Vice President, and has also named Presidential Electors in each State. Territories have no Electors.

On election day the people in all the States vote for Presidential Electors. The Electors receiving the highest number of votes in each State are declared elected. In some States the Electors were formerly chosen by Congressional districts, but now the Electors are chosen on a general State ticket, and thus the Electoral vote becomes solid in each State. Occasionally, however, where the vote is close in a State, the voting of split tickets may divide the Electoral vote of a State. Thus in 1892, Ohio gave twenty-two votes for Harrison and one for Cleveland, because the vote was so close; California gave eight for Cleveland and one for Harrison for the same

reason. Oregon gave three votes for Harrison and one for Weaver, because one of the Electors on the Populist ticket was also on the Democratic ticket. Michigan gave nine votes for Harrison and five for Cleveland, because the State Legislature provided for voting that year by Congressional districts. In North Dakota, two Populist Electors were chosen and one Republican; but one Populist exercised the freedom of choice which nominally the Presidential Electors have, and cast his vote for Cleveland. Although the divided Electoral vote is unusual, it is under the present conditions not impossible that in some close election, enough Presidential Electors might be induced to vote for a candidate to whom they were not nominally pledged and thus defeat the will of the party that has chosen the majority of Electors. An amendment to the Constitution, covering this ground of danger, would make it impossible thus to defeat the will of the party rightfully entitled to the victory.

Meeting of the Electors.—On the second Monday in January following their election, the Presidential Electors meet in their respective States, usually at the State capital, and vote by ballot for President and Vice President, one of whom at least must not be an inhabitant of the same State with themselves. Three distinct lists are made of all the persons voted for as President, and also the number of votes each received. Three separate lists are also made of all the persons voted for as Vice President, and the number of votes each received. These lists are signed, certified, and sealed. Three certificates or “returns” are made from the six lists, in order to insure the safe arrival of one, at least, at Washington. One return is deposited with the judge of the United States Court of the district in which the Electors meet. The other two certificates or returns are sent to the President of

the Senate at Washington, one by special messenger, and one by mail. The envelopes of all the certificates bear the address of the President of the Senate. If from any cause the messenger should fail to deliver his certificate, and the one sent by mail be lost, the President of the Senate may then send for the certificate deposited with the judge of the District Court. Whatever may have been the original intention in the establishment of the Electoral College, it has become simply the registering machine of the popular vote. When the Electoral College has sent in its returns its duty is done and it ceases to exist.

Counting the Votes.—On the second Wednesday of February the President of the Senate, in the presence of the Senators and Representatives in joint convention assembled, opens the sealed certificates from all the States, and the votes are counted. The person having a majority of all the Electoral votes for President is declared elected. Also the person having the majority of all the Electoral votes cast for Vice President is declared elected (Am. 12).

In the method of voting (L^2) in use until 1804, each Elector wrote down two names without stating which person he desired as President. The candidate who received the largest vote, provided it was a majority of the whole number, was declared President; the candidate with the next largest number was declared Vice President. As a result of this plan, Adams in 1797 became President, and his *antagonist* Jefferson, became Vice President, because the Adams men were not united in their choice for Vice President. In 1801 this plan of voting gave Jefferson and Burr the same number of votes, and threw the election into the House of Representatives, although it was well understood that the Electors who voted for Jefferson and Burr wished Jefferson for President

and Burr for Vice President. If one of the opposing Electors had been unprincipled enough to cast a vote for Burr, instead of for his own candidate, Burr would have been elected President and the will of the people defeated.

By the Twelfth Amendment to the Constitution, declared in force in 1804, the present method was adopted.

Election by the House.—If no person has a majority of all the Electoral votes, the House of Representatives proceeds immediately, by ballot, to choose a President from the three candidates receiving the highest number of Electoral votes. In such election the voting is done *by States*, that is, each State has one vote. The vote of each State is determined by the majority of the Representatives of that State. When a vote for President is taken in the House of Representatives, two thirds of all the States must be represented in order to have a quorum, and a majority of all the votes by States is necessary to a choice (Am. 12).

There have been two elections of a President by the House of Representatives. Thomas Jefferson was thus chosen in 1801, and John Quincy Adams in 1825. Both of these elections caused great excitement. In the second, the Electoral votes had been divided among four candidates. Andrew Jackson had received 99 votes; John Quincy Adams, 84; William H. Crawford, 41; and Henry Clay, 37. When the election was thrown into the House of Representatives, Adams received the votes of 13 States; Jackson, the votes of 7 States; and Crawford, the votes of 4 States. John Quincy Adams, having received the vote of a majority of all the States, was declared elected.

If the House of Representatives, whenever the right of choice devolves upon them, shall fail to elect a President before March 4 following, then the Vice President becomes

President as in the case of the death, removal, or resignation of the President.

It is proper that under the circumstances of a failure of the Electoral College to elect a President, the choice should devolve upon the House of Representatives. The House is the direct representative of the people, and at any given time is politically in closer touch with the sentiment of the voters.

When the Senate may Elect the Vice President.—If there is no election of a Vice President by a majority of the Presidential Electors, then, from the two highest on the list of those voted for, the Senate proceeds to choose the Vice President. Two thirds of the whole number of Senators constitutes a quorum for such election; and a majority of the whole number is necessary to a choice.

The Senate is properly given the choice of its own presiding officer, and this also adds greater security. Had the House of Representatives the power to elect both President and Vice President, a disagreement might cause the failure to elect either before inauguration day, and the country would have no Executive.

The only opportunity which the Senate has had to exercise this power was in 1837, when Richard M. Johnson was chosen Vice President.

A Minority President.—A President who fails to receive a majority of the popular vote is called a "Minority President." Thus, in 1892, the total popular vote was 12,059,351, and a majority vote would have been 6,029,676 votes. But Cleveland received only 5,556,918 votes; that is, 472,758 votes less than a majority. Yet the entire Electoral vote was 444, of which a majority was 223 votes. Cleveland received 277 Electoral votes, and was declared elected.

Minority Presidents have been numerous. John Quincy Adams, James K. Polk, Zachary Taylor, James Buchanan, Abraham Lincoln, Rutherford B. Hayes, James A. Garfield, Grover Cleveland, and Benjamin Harrison were Minority Presidents.

The failure of the system of the Electoral College to register the popular verdict has suggested the changing of the method of electing a President. One such method would be to abolish the Electoral College, and to resort to direct popular vote without reference to State lines. But a serious objection to this method arises. Even now, in a closely contested election, the result may remain doubtful for some days while a narrow majority of a few hundred votes in some great pivotal State is being counted. It was so in 1884, when the State of New York cast its thirty-six Electoral votes for Cleveland by the narrow margin of 1,047 votes out of a total of 1,100,000 votes. This period of doubt is a time of intense and dangerous excitement. In an election without reference to State lines, the result would more often be doubtful, and the chances for dispute would be multiplied with demoralizing effect. The system of choice by Electors is doubtless clumsy and indirect, but the solidity of the Electoral Colleges of the several States is in reality a safeguard. The election has virtually become a choice by States; for the whole weight of each State is thrown into the scale of that candidate whose list of Electors is chosen in that State.

The Electoral Commission.—A serious dispute arose in 1876 concerning the conflicting returns sent in by two hostile sets of Electors in each of the States, Florida, Louisiana, and South Carolina; to which was added the question whether one of the Electors chosen in Oregon was disqualified because he was a postmaster. In the absence of a satisfactory method

of determining which ballots to count, the Republican and the Democratic parties in Congress passed a law to submit the matter to an Electoral Commission composed of five Senators, five Representatives, and five Associate Justices of the Supreme Court of the United States. The Commission was appointed January 29, 1877. By a strict party vote of eight to seven the Commission decided every disputed question in favor of the Republican candidate, and the result was that Hayes received 185 Electoral votes, and Tilden 184 Electoral votes. This decision, given March 2, 1877, closed the gravest crisis which ever attended an Electoral count so far as the Nation was concerned. The patriotism of party leaders had settled peacefully a dangerous dispute which might have resulted in civil war. Thus Rutherford B. Hayes became President of the United States. In 1887 the whole question of conflicting returns was set at rest by an Act of Congress which provides that no Electoral votes can be rejected in counting except by the concurrent action of the two houses of Congress. In so far as the ascertainment of the Electors appointed by a State is concerned, the authorities of that State decide which group were chosen. The law is very explicit in the details of the meetings, and, in regard to the joint meetings of the two houses, even provides where the members and officers of the Senate and House shall be seated.

Presidential Succession.—In case of the removal of the President from office, or of his death, resignation, or inability to discharge the duties of his office, the Vice President becomes President (L⁵). Five times in our history the Vice President has succeeded to the Presidency: John Tyler, upon the death of William H. Harrison in 1841; Millard Fillmore, upon the death of Zachary Taylor in 1850; Andrew Johnson, upon the death of Abraham Lincoln in 1865; Chester A.

Arthur, upon the death of James A. Garfield in 1881; and Theodore Roosevelt, upon the death of William McKinley in 1901.

The Vice President should perform the duties of the President in case of disability, but no Vice President has ever yet assumed the duties of a President during the lifetime of his disabled associate. Vice President Arthur did not attempt the duties of President during the months through which President Garfield lingered to his death.

Congress has the power to provide for the further succession to the Presidency in case the office of President and that of Vice President both become vacant (L⁵). It was formerly enacted that in such an event the President *pro tempore* of the Senate, and the Speaker of the House of Representatives should succeed to the office in the order named. There are several serious objections to this plan, and the law enacted by Congress in 1886 fixed a new order of succession to the Presidency. Should occasion ever arise demanding it, the following members of the Cabinet succeed in the order named: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and the Secretary of the Interior. The office of the Secretary of Agriculture and that of the Secretary of Commerce and Labor were not created until after this law of succession was enacted. This Act applies only to such Cabinet officers as shall have been confirmed by the Senate, and are eligible to the Presidency under the Constitution.

Inauguration.—The day originally set for the inauguration of the first President was March 4, 1789, but Washington did not take the oath of office until April 30, 1789. Since that time every President has been inaugurated on March 4, excepting whenever the date has fallen on Sunday. This has

occurred three times,—namely, in 1821, 1849, and 1877, in which years the inauguration of the President took place on the fifth day of March.

On inauguration day, the Chief Justice of the United States administers to the President elect the oath of office, which is as follows: “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States” (L⁷). On the same day the Vice President is sworn into office in the Senate chamber, taking the same oath except that he promises that he will faithfully execute the office of Vice President of the United States.

Salary of the President.—The salary of the President of the United States was formerly only \$25,000, an amount inadequate to the demands made upon the President during his official life. At present the salary is \$75,000, a sum which is very small compared with the amount paid to the rulers of other nations. No increase or decrease can be made in the salary of a President during the time for which he is elected. Nor can he receive, while President, any gift or emolument from the United States or from a State. But the President may accept presents from private individuals like any other citizen. The salary of the Vice President is \$12,000 a year (L⁶).

The Executive Mansion.—The official residence of the President is the Executive Mansion, popularly known as the White House.

Powers and Duties.—The President is Commander in chief of the army and navy of the United States, and of the militia of the several States when it is called into the actual service of the United States. He has also the prerogative of

granting reprieves and pardons for offenses against the United States, except in cases of impeachment (M¹).

He can make treaties with foreign powers provided two thirds of the Senators present concur in the confirmation of the same. Subject to confirmation by the Senate, he appoints ambassadors, other public ministers, consuls, and the greater Federal officers—such as the heads of the executive departments—and judges of the United States Courts. He also appoints all other officers of the United States whose appointment is not otherwise provided for by law (M²). A great number of subordinate officers, such as certain postmasters and revenue officers, are appointed without the participation of the Senate. The executive business of the United States Government requires the services of over two hundred thousand persons. The President has the power to fill all vacancies which occur during the recess of the Senate by granting commissions which expire at the end of the next session (M³).

He may summon either or both houses of Congress in extra session; and in case of disagreement between them with regard to the time of adjournment, he may adjourn them to such time as he may think proper, but not beyond the day fixed for the beginning of the next regular session. He may require from the members of his Cabinet at any time written opinions upon any subject concerning the duties of their respective offices. He commissions all officers of the United States, and receives ambassadors and other public ministers (N).

The President's Message.—In annual messages to Congress the President makes reports on the state of public affairs, and suggests such legislation as the needs of the country seem to him to require. He thus exerts an initiative power in reference to laws. Besides these annual messages, the President

may at any time send to Congress a special message relating to matters which require immediate attention (N).

The President's Veto Power.—The President exercises legislative functions in which he is practically a distinct branch of the legislative power—a third house—but for negative purposes only. He signs or vetoes all bills and resolutions passed by Congress, except a resolution to adjourn. It has been decided also that his consent is not required to a Constitutional amendment. The President's veto power, as a means of guarding the country against unwise legislation, has proved to be one of the most valuable features of the Constitution. Under ordinary circumstances, this connection of the President with the legislative power serves as a delicate balancing element of strength to the Nation. The strength of Congress consists in its power to pass laws; the strength of the President lies in his power to veto them. Yet in moments of great public danger, as in the Civil War, the President's power becomes immense. A loyal Congress, feeling the need of swift and oftentimes secret decisions, practically puts its lawmaking powers at the disposal of the President.

QUESTIONS

Was there any President under the Confederation? Why?

What is the necessity for having an executive department in government? Show that the framers of the Constitution of the United States acted wisely in placing the Executive power in the hands of one person.

Describe the Confederation of 1781. What were the most important powers of the Confederation? What were its defects? Why were the Articles of Confederation displaced by the present Constitution?

Have you read the President's recent or last annual message?

What must be the qualifications of a President as to residence, citizenship, and age? What are the qualifications for the office of Vice President?

What officer in Pennsylvania corresponds in relative office to the Vice President of the United States?

What is the greatest duty of the President? What are his constitutional powers and duties? What are the duties of the Vice President?

What defects in the Articles of Confederation made the central government weak?

What influence has the President upon the action of Congress? What has been the general record of our Presidents?

Should the President be chosen for a term of six years, and then be ineligible for a second term? What Presidents have been chosen for a second term?

Give an account of a Presidential campaign. What is the duty of a Presidential Elector? How many Electoral votes has this State?

Describe the present method of electing a President. When do Presidential elections occur?

What was the purpose of the framers of the Constitution in providing that the President should be chosen by Electors rather than by popular vote? Has their purpose been realized in this mode of Election? Give reasons for your answers.

How many delegates are chosen from each State to the National Convention of each great political party? How are the Territories and Districts represented?

Describe the successive steps in the election of a President. Should the President be elected by popular vote?

State how Presidential Electors are chosen, and how they vote. What were the defects in the original method of electing a President? How many Presidential Electors in the Electoral College of Pennsylvania? Where did the Electors of this State meet?

When may the House of Representatives elect a President? When may the Senate elect a Vice President?

Show how a minority of the people may elect a President. Name the Minority Presidents. Discuss the topic "Minority Presidents."

In what respect is the solidity of the Electoral Colleges of the several States a safeguard?

What dangers have arisen during the Presidential contests? What was the Electoral Commission? How was the Hayes-Tilden contest decided?

In case the President and Vice President should both die or be removed, how would the Presidency be filled?

What reasons can you give for not allowing the Vice President to preside at an impeachment trial when the President is accused?

Can the President have his salary increased?

What is the salary of the President? What name is given to his official residence?

Discuss the inauguration of the President. When does it occur?

What power has the Senate in reference to treaties and Presidential appointments? Is this a legislative function?

Discuss the powers and duties of the President of the United States. By whom are the Governors of Territories appointed?

To what extent has the President the power of appointment? The power of removal?

What share does the President take in the making of the laws?

What is the purpose of the President's message?

Is the pardoning power a judicial or an executive function? Is the veto power of the President an executive or a legislative function?

Which Presidents have been elected by the House of Representatives? Has a Vice President ever been chosen by the Senate?

What is the smallest number of Senators that could elect a Vice President?

Who is now President? Who is Vice President?

How is a vacancy in the office of Vice President filled? Does the Vice President take an "oath of office"?

President Grant was reelected in November, 1872, and his new term began March 4, 1873. Meanwhile the salary of the President was increased to \$50,000. Did President Grant get the increase? Why?

CHAPTER XXIX

THE CABINET: EXECUTIVE DEPARTMENTS

The Cabinet Officers.—The executive business of the Government cannot be performed by the President alone; hence to aid him in the discharge of his duties, he appoints a "Cabinet" by and with the consent of the Senate. There are nine Cabinet officers, each in charge of a special department of the executive business. They are the private counselors or advisers of the President, and each is directly responsible to him for the management of a department. The members of the Cabinet are:

1. Secretary of State.
2. Secretary of the Treasury.
3. Secretary of War.
4. Attorney-General.
5. Postmaster-General.
6. Secretary of the Navy.
7. Secretary of the Interior.
8. Secretary of Agriculture.
9. Secretary of Commerce and Labor.

As a body the Cabinet has no legal existence. The meetings are held in the Executive Mansion, but no record of the proceedings is kept, and the President is not bound to follow the advice of the members. The individual members, as heads of executive departments, may also disregard the advice of the Cabinet and assume the responsibility of action.

The President and his Cabinet are sometimes known as the "Administration," a word also applied politically to the President's term of office.

The Secretary of State.—The first in rank among the Cabinet officers is the Secretary of State. He is our minister of foreign affairs, that is, he has charge of all business between our own and other governments. He is the only officer authorized to communicate with other governments in the name of the President. He is the official head of the diplomatic and consular service, negotiates treaties, and issues instructions to our ambassadors and ministers abroad. The Secretary of State is the keeper of the Great Seal of the United States; in his department all civil commissions are made out, recorded, and sealed. He keeps the National archives, and superintends the publication of laws, treaties, and proclamations.

There are three Assistant Secretaries of State. The bureaus are: the Diplomatic Bureau; the Consular Bureau; Bureau of Rolls and Library; of Trade Relations; of Accounts; of Appointments; of Indexes and Archives; and of Citizenship.

The Secretary of the Treasury.—The Cabinet officer who conducts the finances of the Nation is the Secretary of the Treasury. His department attends to the collection of the revenue, issues warrants for the payment of money from the Treasury, audits accounts of all the other departments of the Government, and supervises the coinage of money and the printing of currency. It regulates the National banks, the customhouses, the life-saving service, and the marine hospitals. The National Board of Health is also under its control. In the Treasury Department there are three Assistant Secretaries; six Auditors; the Treasurer of the United States, who receives and pays out all public money; the Register, who keeps all accounts of receipts and expenditures, issues all

bonds of the United States, and whose name with that of the Treasurer is printed on all paper money; the Comptroller of the Currency, who supervises the National banks; the Commissioner of Internal Revenue; two Solicitors; a Comptroller of the Treasury; the Director of the Mint; and many other officers in charge of various branches of the enormous business. The department has charge of the building of post offices, customhouses, and other government buildings. No man directly interested in trade or commerce can be appointed Secretary of the Treasury.

The Secretary of War.—The Secretary of War has charge of all business relating to the military affairs of the Government. The department is divided into ten bureaus, each having charge of an important part of the work. Among the duties to which the officers attend are: the paying of troops; the securing of army supplies; the erection of forts; the improvement of rivers and harbors; and the publication of the official records. Many explorations have been made under the auspices of the department. The government of the Philippines is now under its supervision. Each bureau in the department is in charge of an army officer of high rank. The Adjutant General issues the President's orders, conducts the military correspondence, issues military commissions, and keeps the record of the army. The Judge-Advocate-General reviews the findings of courts-martial, and is the legal adviser of the Secretary of War, who generally is not a soldier. Needed improvements in the management of the army and in the defenses of the country are recommended by the General Staff. This is composed of some of the ablest officers in the army, ranking from captains to Major Generals, the member of highest rank being Chief of Staff. The ranking general officer of the Line is now Lieutenant General (retired).

The Military Academy at West Point is under the charge of the War Department. Each Senator, Representative, and Territorial delegate has the right to appoint one cadet to the Academy. The President appoints one for the District of Columbia, and also forty at large. Thus, in ordinary times, the commissioned officers of the army are supplied, graduates of the Academy receiving commissions as second lieutenants in the army. The course covers four years of rigid study and drill, and all necessary expenses are paid by the Government. Candidates for appointment and entrance must be physically sound, possess good educational qualifications, and be between seventeen and twenty-two years of age. The pay of a cadet is \$609.50 per year.

The Attorney-General.—This officer is the legal adviser of the President, and represents the United States in all suits at law in which the United States is a party. He gives his opinions on questions of law whenever requested to do so by the heads of departments. He is himself the official head of the Department of Justice. The Solicitor-General is his chief assistant, and seven Assistant Attorneys-General defend or prosecute suits in which the Government of the United States is interested.

The Postmaster-General.—This officer is the head of the Post Office Department. He awards all postal contracts, establishes and discontinues post offices, regulates mail routes, the issue of stamps, the receipt of the revenue of the offices, and has general charge of the postal affairs of the Nation. He appoints all postmasters whose salaries do not exceed one thousand dollars a year. Postmasters who receive more than this amount are appointed by the President with the advice and consent of the Senate. The principal subordinate officers of the department are the First, Second,

Third, and Fourth Assistant Postmasters-General. The First Assistant Postmaster-General has, broadly, the administration of all matters relating to appointments and salaries of postmasters and other persons in the postal service; and directs the operations of the city free delivery systems. The Second Assistant Postmaster-General has charge of the transportation of mails by railway in the United States, and of the foreign mail service. Questions relating to railway adjustment and contracts come under his supervision. The Third Assistant Postmaster-General has charge of the collection and paying out of money, the supplying of stamps and postal cards, the care of registered mail, and attends to the money-order, classification, and redemption departments or divisions. The Fourth Assistant Postmaster-General has charge of matters relating to the rural free delivery, the dead-letter office, and general supplies. The topography division, relating to post-route maps, is under his charge.

The Postmaster-General retains for his personal administration, besides the general matters of policy, the inspecting system of the department, that is, the division of Post Office Inspectors. He determines appeals from the action of the several Assistant Postmasters-General. He submits to the President the cases relating to Presidential appointments, and issues all orders requiring the formal approval of the Postmaster-General of the United States.

Postmasters are paid according to the amount of business done at their post offices. There are four classes of postmasters and post offices, graded according to the salary received. If a postmaster's salary is less than one thousand dollars, he is a postmaster of the fourth class, and his office is a fourth-class post office. The amount of his salary depends upon the box rents and the value of the stamps can-

celed at his office. A salary of over one thousand dollars and less than two thousand dollars, estimated on the gross receipts at his office, ranks a postmaster as third-class. When the salary, similarly estimated, is between two and three thousand dollars, the postmaster and his office are second-class; while a salary of three thousand or over, puts the postmaster and his office in the first class. The salaries of postmasters of the first three classes are ascertained and fixed from their quarterly returns to the Auditor of the Post Office Department. First-class and second-class postmasters are not allowed commissions on the money-order business.

The total number of post offices in the United States is now more than 60,000. There are about one hundred fifty thousand persons employed by the department,—one half of the whole number of persons in the Civil Service of the United States. The total expenditures of the department were \$190,238,288 in 1907, the receipts being about \$6,653,000 less. The business of the Post Office Department extends over the entire country; and, through the Universal Postal Union, the foreign mail service has become very great and efficient.

The Secretary of the Navy.—This officer executes the orders of the President relating to the naval establishment of the United States. The department is divided into eight bureaus, each in charge of an officer of the United States Navy. The work of the department is shown in the names of these bureaus: Bureau of Yards and Docks; of Equipment; of Navigation; of Ordnance; of Construction and Repair; of Steam Engineering; of Supplies and Accounts; and of Medicine and Surgery. This department has charge of the Naval Observatory at Washington, and publishes the Nautical Almanac. Admiral George Dewey is now President of the Gen-

eral Naval Board. The school for the education of naval officers is the Naval Academy at Annapolis, and is under this department. The course of study covers six years, two of which are spent at sea. Candidates for appointment as midshipmen must be between sixteen and twenty years of age, physically sound, and must pass examination in the elementary branches and in certain higher studies. Expenses are borne by the Government, and graduates are commissioned as ensigns in the navy. Each Senator, Representative, and Delegate appoints two midshipmen to the Academy. The President appoints thirty at large, and two for the District of Columbia. Midshipmen receive \$500 per annum.

The Secretary of the Interior.—The Department of the Interior has charge of a vast business of great interest to the public. It deals with all questions relating to public lands, Indian affairs, pensions, patents, education, and various other interests pertaining to the general welfare of the country. There are two Assistant Secretaries of the Interior. The chief officers of the first five bureaus are called Commissioners. The Commissioner of Pensions has charge of the granting of pensions, with an annual disbursement of \$153,000,000 to about 950,000 pensioners.

The Commissioner of Education has charge of the general educational affairs of the nation. His duties, in the main, consist in the collection of such statistics and facts as shall show the condition and progress of education in the several States and Territories; to diffuse such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems; and otherwise to promote the cause of education throughout the country.

The Geological Survey forms a very important branch of this department. Its work pertains to the scientific surveys of the United States, the conduct of irrigation operations, and kindred matters, and is in charge of a Director.

The Secretary of Agriculture.—The Department of Agriculture collects and publishes useful information on this subject. The farmer may learn from this department how to protect his grain and fruit from destructive insects. He may also learn the cause and cure of the diseases which affect his domestic animals. The department furnishes information about soils, fertilizers, climate, seeds, and methods of cultivation. The Weather Bureau forms an important branch of this department. Notice of approaching storms is sent throughout the country, that vessels about to leave port may receive timely warning, and thus the risk of the destruction of life and property be avoided. Other important bureaus are: the Bureau of Animal Industry; of Plant Industry; of Soils; of Forestry; of Chemistry; of Entomology; and of Biological Survey. The Director of Experiment Stations is an assistant in this department.

The Secretary of Commerce and Labor.—The Department of Commerce and Labor, organized in 1903, has for its function the promotion of the interests of American commerce, manufactures, mining, fisheries, and labor. The regulation of immigration, the work of the United States census, and the supervision of the coast survey belong to this department. The Census Bureau has recently been established as a permanent branch of the public service. The Constitution provides that the census shall be taken every ten years (C³). Another very important bureau in this department is the Bureau of Corporations. This investigates all corporations engaged in interstate or foreign commerce; except railroads

and steamship lines which transact such business under the supervision of the Interstate Commerce Commission. Other important bureaus are the Bureau of Standards, the Bureau of Statistics, the Bureau of Fisheries, the Bureau of Manufactures, the Bureau of Labor, and the Bureau of Immigration and Naturalization. Important officers are the Commissioner of Labor, the Commissioner of Fisheries, the Commissioner-General of Immigration, and the Superintendent of the Coast and Geodetic Survey. The Lighthouse Board has charge of the construction and maintenance of lighthouses, beacons, and fog signals for the protection of vessels on our coasts.

Ambassadors, Ministers, and Consuls.—The diplomatic and consular service has for its duty the representation of the interests of the United States in foreign countries. In order to carry out the foreign policy of the President, to facilitate communication, to aid in negotiating treaties, and to protect the interests of American citizens abroad, the diplomatic service has been instituted. These officials represent our Government in a political capacity. They are principally of two grades, ambassadors and ministers.

An ambassador is a diplomatic agent of the highest rank. Diplomatic etiquette requires that the great powers send to us the same grade of minister that we send to them. The United States now sends ambassadors to ten countries: Great Britain, France, Germany, Italy, Russia, Austria, Mexico, Brazil, Japan, and Turkey. The salary received by ambassadors is \$17,500. The social demands upon them are very great, and their expenses are often greater than their salaries.

A minister is a diplomatic agent of the United States charged with the same duties as an ambassador, but accredited to a country of less importance.

An ambassador represents the person of the ruler of the country from which he comes; a minister represents the government from which he comes, but not the personality of the executive. In the days when ministers were the highest representatives of the United States abroad, these officials were often kept waiting for audience under the rules of precedence in favor of ambassadors, applied in the case of the ambassador of some petty kingdom.

Ministers and ambassadors reside in the capitals of the countries to which they are sent. There are about forty officials of these higher grades in the diplomatic service at present. The *chargé d'affaires* is a minister of an inferior grade accredited by the Secretary of State to the minister of foreign affairs of the country to which the agent is sent. The term is also applied to an official in charge until the accredited minister has assumed his duties.

The consular service has charge of our commercial interests abroad, and has nothing to do with diplomacy or politics. The United States Government has consuls resident in all important foreign seaports. The duties of consuls are very numerous. They exercise protective care over American seamen and shipping, and perform various important duties for Americans abroad. They administer oaths, take testimony, examine invoices of the cargoes of ships, and set forth the number and the condition of the seamen. They send to the State Department monthly reports concerning matters of commercial interest occurring at their stations.

Ambassadors and ministers are sent to countries, while consuls are sent only to cities. None of the officials of the diplomatic and consular service have a fixed term of office. It seldom lasts longer than four years, although it does not necessarily change with the administration.

The consular service has recently been much improved through a system of promoting efficient officers from one post to another.

The Civil Service Commission.—Whenever a change takes place in the political character of the Administration, changes also occur in the ranks of the officeholders. Political parties have long acted upon the principle, “To the victors belong the spoils.” The appointive offices have been used as bribes and rewards for partisan purposes. To correct this wasteful and demoralizing “spoils system,” Congress has passed an Act enabling the President to appoint three Commissioners, only two of whom may be of the same party, to carry out the further provisions of the Civil Service of the United States. This Commission provides examinations whereby the fitness of applicants for public service is tested. In many of the departments the applicants for positions are required to pass these examinations, and appointments are made from those found qualified. In this way adherence to a political party has not much weight, and the public service is purified and vastly improved. In 1909, out of 352,000 persons in the Civil Service, 206,637 were classified or subject to examination; 7,000 were subject to confirmation by the Senate, and 55,000 were country postmasters and clerks.

The Interstate Commerce Commission.—Among the powers delegated by the States to Congress was that to regulate commerce between the States. Under this authority Congress has assumed wide powers, and has assigned the exercise of many of these powers relating to the carrying of persons and commodities to a Commission consisting of seven members. The breadth of its functions may under future development make it equivalent to an executive department. It is the duty of the Commissioners to investigate matters

concerning violations of the Interstate Commerce laws: such as the regulations preventing unjust discrimination in freight, express, and passenger rates; prohibiting the pooling of earnings or business; and requiring that locomotives and cars should be equipped with air brakes, uniform and automatic couplers, and safety appliances for the protection of trainmen from accident. Persons or corporations engaged in the transportation of oil are included under the provisions of the Act of 1906, which greatly increased the powers granted by the law of 1887 under which the Commission was created. The issuance of free transportation is restricted to employees and their families. The Commission has the power to fix a reasonable and just maximum rate, which shall remain in effect two years unless changed by the Commission or set aside by the courts as beyond the powers conferred. Enforcement of orders may be by injunction or by other mandatory order. Appeals may be taken to the Supreme Court of the United States. Contracts between common carriers must be filed with the Commission, and all rebates and discriminations are absolutely prohibited. Persons offering or accepting rebates may be heavily fined, and imprisoned not more than two years. Copies of all tariffs established must be kept open for public inspection.

The salary of each member of the Commission is \$10,000, and the term of office is seven years. Not more than four Commissioners can be appointed from any one political party. No person holding an official relation to a common carrier can be appointed. The chairman of the Commission has certain relations with the arbitration of difficulties between common carriers and their employees.

The Tariff Commission.—The Tariff Law (1909) provides for a Tariff Commission which is likely to exercise a great

influence upon future action and opinion concerning the tariff and related matters. The President is authorized to appoint a Board of Experts which is in effect a Commission to investigate any or all of the phases of our foreign commerce, and the relations to it and the effect upon it of both foreign and American tariffs. Under such action the chances of securing equitably arranged duties will be greatly increased.

The Librarian of Congress.—The Librarian of Congress is an independent officer, and reports directly to Congress. He has charge of the Congressional Library, which has over 1,500,000 volumes and pamphlets and receives valuable additions yearly. The Librarian has duties in regard to copyrights; and the law requires the delivery of two complete copies of the best edition of every copyrighted book to the Congressional Library promptly after its publication. The Library Building near the Capitol is the finest of its kind in the world. The collection is now the largest in the Western Hemisphere, and the third in size in the world. This library is very rich in history, political science, official documents—National, State, and foreign—and in important files of newspapers, and original manuscripts, dealing with the colonial, Revolutionary, and formative periods of American history. Many of the rare books and manuscripts are exhibited in show cases on the second floor of the Library Building. The Smithsonian collection is strong in scientific works, and includes the largest assemblage of the transactions of learned societies which exists in this country. The Library is supported by annual appropriations by Congress for various purposes, including the purchase of books. It is used primarily and essentially as a reference library, not as a lending library. Certain persons are entitled through statute law to draw books for home use. Among these are the President, Vice

INTERIOR OF LIBRARY OF CONGRESS

President, Senators, Representatives, members of the Cabinet, Justices and Judges of the Federal Courts, Secretary of the Senate, Clerk of the House, Chaplains of the Houses, ex-Presidents of the United States, representatives at Washington of foreign governments, and a few others. The Library Building is open to the public all days of the year, excepting legal holidays.

Some Executive Functions: Division of Executive Power.—Within recent years executive functions have been given to bodies largely or even entirely independent of the various departments. The Interstate Commerce Commission, the Civil Service Commission, and the Library of Congress already noticed are cases in point. To these may be added the Government Printing Office, the Smithsonian Institution, the National Museum, the Bureau of Ethnology, the Bureau of American Republics, and the Isthmian Canal Commission. The names applied to many of the officials are often misleading as to their importance. The growth of the country has brought about the necessity for greater and still greater division of the Executive power. For forty-six years after 1789, the work of the Bureau of Patents was in charge of the President and his Cabinet, who could not properly organize the business on account of the press of their other duties.

The operations of the Executive Department of the Federal Government affect the welfare of nearly a hundred millions of people, and involve the annual expenditure of over half a billion of dollars. Responsibility for the efficient working of the great executive force rests on the President, but there must also be a division of labor. Washington began his administration with three members of the Cabinet: a Secretary of State, a Secretary of the Treasury, and a Secretary of War. As the work of government has grown, new

executive departments have been formed and the number of Cabinet officers increased.

QUESTIONS

Name the officers who form the Cabinet. Name the present members of the Cabinet.

Give a brief statement of the work and organization of each of the great Federal executive departments.

To which of the executive departments would you take a request for a passport in foreign countries? a claim for pension? an application for a patent? an application for a copyright? an application for admission to the Academy at West Point?

What are consuls? What are their duties?

What is the object of a census? Of what value is it to the country? How are the results secured?

What is the "spoils system"?

What is the policy of the Government as to the appointment and retention of employees?

Mention some examples of executive business not under departmental control.

Is rotation in office conducive to the most desirable results in a republican form of government?

If you wanted to trade with the Indians, to whom would you make application for permission?

Where does the State Department touch upon the commercial interests of the country?

CHAPTER XXX

THE JUDICIAL POWER

A Principal Feature.—The establishment of the Federal Judiciary is one of the strongest and most important features of the Constitution of the United States, and no part of the government has contributed more to the peace and well-being of the country. “One of the vital defects of the old Confederation,” says Judge Story, “was the lack of a Federal Judiciary.” Were the government obliged to depend upon the State courts for the enforcement of the laws of the United States, great inconvenience would arise. Any government that has a legislative body and an executive, must also have a judiciary to interpret and apply the laws. Hamilton, in expounding the Constitution, says: “The laws would be a dead letter without courts to enforce and apply them.”

It was not the intention of the founders of the Republic that there should be any coalition of two coördinate and independent departments of the Government. Hamilton said in *The Federalist*: “The general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the executive. For I agree that ‘there is no liberty if the power of judging be not separated from the legislative and executive powers.’ And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have everything to fear from its union with either of the other de-

partments; that, as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its coördinate branches; and that, as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.”

Organization.—The Judicial power is vested in a Supreme Court, and in such inferior courts as Congress may ordain and establish (P). The United States Courts, as created by the Constitution and perfected by the statutes of Congress, may be divided into four classes: The Supreme Court; the Circuit Courts of Appeals; the District Courts; and the Special Courts, such as the Commerce Court, etc. (I⁹).

Jurisdiction.—The general jurisdiction of the United States Courts covers the following classes of cases: All cases in law and equity arising under the Constitution, laws, or treaties of the United States, or out of conflicting grants of different States; all admiralty and maritime cases; all cases affecting ambassadors, other public ministers, and consuls; controversies in which the United States is a party; cases between two or more States; cases between a State and citizens of another State; cases between citizens of different States; and cases between a State, or citizens thereof, and foreign states, citizens, or subjects (Q¹).

All other cases are left to the State courts, from which there is no appeal to the Federal Courts, except in certain specified cases.

The division of jurisdiction between the Supreme Court

of the United States and the inferior Federal Courts is determined principally by the size and importance of the cases.

Tenure of Office.—All judges of the United States Courts are appointed by the President, with the advice and consent of the Senate, and hold office during life or good behavior. Judges may be impeached, and if found guilty, removed from office. They may retire upon a pension, at the age of seventy or over, after having served continuously for ten years.

The Supreme Court.—The Supreme Court consists of a Chief Justice and eight Associate Justices. It holds annual sessions in the city of Washington, beginning on the second Monday of October. The sessions are held in the Capitol, in the chamber formerly occupied by the Senate. A quorum consists of any six Justices of the court, and a decision of a quorum is a decision of the court. The Justices wear black gowns in court, and are almost the only public officers in the United States making use of an official dress. The salary of the Chief Justice is \$15,000; and each of the Associate Justices receives \$14,500.

The Supreme Court of the United States is the most original of all American institutions, and is the greatest judicial power ever constituted by any nation. It stands at the head of all known tribunals, both by the nature of its rights, and the character of the parties which come under its control. The Supreme Court summons mighty States to its bar. When the clerk advances to the steps of the tribunal, and simply says: "The State of New York *versus* the State of Pennsylvania," it is impossible not to feel that the court which he addresses is no ordinary body. The power of the Supreme Court is enormous, but it is clothed in the authority of public opinion. The court is the guardian of a people who respect the law. It has excited the admiration of the world, not only because

it is the defender of the Constitution, but because of the ability and integrity of its judges. It has shown a strong disposition to perform its duties and render its opinions in accordance with the true meaning of the Constitution, and thus to be strictly representative of the people.

In all cases where a State or a foreign minister is a party the Supreme Court has original jurisdiction, while in all other cases it has appellate jurisdiction only. Any case which involves the Constitution of the United States can be taken to the Supreme Court, however small the amount in dispute (Q²).

When the President of the United States is impeached, the Chief Justice presides at the trial by the Senate (D⁶).

Circuits and Circuit Judges.—The United States, exclusive of the Territories, is divided into nine judicial circuits, each consisting of three or more States. The first circuit contains four States, the second three, the third three, the fourth five, and so on. Each of the nine Justices of the Supreme Court is presiding judge of a circuit. In each circuit the presiding Justice is assisted by circuit judges. Five of the circuits have three judges each; but the fourth circuit has only two. The second, seventh, and eighth circuits have four each. The third circuit, consisting of Pennsylvania, New Jersey, and Delaware, has three judges. The circuit judges are appointed by the President, by and with the consent of the Senate. A circuit judge receives a salary of \$7,000, and must reside within his circuit. There are at present twenty-nine circuit judges exclusive of the Commerce Court.

By an Act of Congress entitled "The Judicial Code" and taking effect January 1, 1912, the Circuit Courts of original jurisdiction are abolished, and the powers and duties of such courts are imposed upon the District Courts.

Circuit Court of Appeals.—The judges of each circuit and the Justice of the Supreme Court for the circuit constitute a Circuit Court of Appeals. It is a court of record, but as its name implies, its jurisdiction is appellate only. Its decisions are final in all cases which arise on account of the citizenship of the parties, and also in many cases under the patent, copyright, revenue, admiralty, and criminal laws; and in all other cases involving not more than \$1,000. Cases that involve the meaning of the Constitution or the constitutionality of a law, and also criminal cases which carry the penalty of death may be appealed directly from the District Courts to the Supreme Court. The Circuit Courts of Appeals were established by Congress in 1891 expressly for the purpose of relieving the Supreme Court of a part of its business. The Court of Appeals of the third circuit is held in Philadelphia. The Court of Appeals of the ninth circuit (San Francisco) hears appeals from the United States Courts of China and Alaska.

District Courts.—The nine circuits are divided into judicial districts, and in each of these there is a special district judge. Districts never cross State lines. Sometimes a State constitutes one district, but a populous State may be divided into two or three districts. Pennsylvania has three United States District Courts. The sessions of the Eastern district are held in Philadelphia; of the Middle district, in Harrisburg, Williamsport, and Scranton; of the Western district in Pittsburg and Erie. The number of districts in the United States at present is eighty, presided over by eighty-nine judges. District Courts deal with the more common civil cases arising under United States law, and such crimes against the country as counterfeiting, robbing the mails, etc. District judges are not confined to their own districts, but occasionally exchange.

A district judge may, when it facilitates the business, sit as a circuit judge. The original jurisdiction of the District Courts is extensive, and in all claims not exceeding \$10,000 founded upon the Constitution or any law of Congress, or regulation of the Executive Department, or contract with the Government the jurisdiction is concurrent with that of the Court of Claims. The salary is \$6,000.

The District Attorney and the Marshal.—Nearly every district has its own Federal district attorney, and a United States marshal, both appointed by the President. The former is the public prosecutor in behalf of the United States. The marshal is the ministerial officer of the District Courts. He is, in fact, the Federal sheriff; and is entitled to call on all good citizens for help, should any occasion for it arise.

The Court of Claims.—The Court of Claims consists of five judges appointed by the President, and has jurisdiction over certain classes of claims made against the United States. If judgment is given against the government, Congress appropriates money for the settlement of the claim. The court holds its sessions in Washington, D. C.

Customs Court of Appeals.—The Tariff Act of 1909 created a Customs Court of Appeals having authority in all cases regarding the collection of customs duties, with no appeal except on questions of constitutionality. The court consists of a presiding judge and four associate judges, all appointed by the President. The salary is placed at \$10,000 each per annum. A Deputy Assistant Attorney-General is attached to this court. Together with one of the Assistant Attorneys-General and four attorneys appointed as aids, he represents the Government in all matters of reappraisement and classification of imported goods, and of all incident litigation. Great difficulty has heretofore been experienced

in obtaining in the Federal Courts consistent decisions in the trial of cases of protested duties. Cotton cloth of a certain quality paid duties varying from twenty-four cents to twelve cents per square yard under consecutive judicial interpretations of the same tariff laws. That such varying duties in different years should be levied is injurious alike to the importer, the manufacturer, and the consumer. The Customs Court, in connection with the Tariff Commission, will do much to remove such unjust variation.

Court of the District of Columbia: Territorial Courts.—The Courts of the District of Columbia and of the Territories are courts of the United States which bear the character of State courts and Federal courts united. The judges of these courts do not come within the constitutional provisions in regard to tenure of office. Congress, however, has provided that the judges of the Court of the District of Columbia shall hold office during good behavior as do the other judges of the Federal system. But the term of office of a Territorial judge is fixed at four years.

The Supreme Court of the District of Columbia deals with the civil and criminal cases within the District. There are six judges on the bench of this court; and any one of these may hold a court with powers similar to those of district judges in the States. The Court of Appeals of the District of Columbia consists of three judges. Their court has powers similar to those of the Circuit Courts of Appeals.

The Territorial Courts are organized in a manner similar to that of the Supreme Court of the District of Columbia, but the number of judges is smaller. All of these judges are appointed by the President, by and with the consent of the Senate.

Consular Courts.—In certain foreign countries, United

States consuls exercise judicial functions in settling disputes in which Americans are interested. This procedure is founded upon the assumption that in the country in which the consul is located, the laws are so imperfectly administered that the lives and property of American citizens could not safely be left to depend upon them. According to some treaties with civilized nations United States consuls have jurisdiction over disputes between masters, officers, and crews of National vessels, while in a foreign port, on questions of wages, shipment, and discharge of seamen.

Courts-martial.—All cases arising in the military and naval service are tried in special courts called courts-martial. The militia, also, in time of war and public danger fall under the same rule. Such court has no jurisdiction over any citizen not employed in the military or naval service.

The court consists of a number of army or navy officers appointed to try the case; the officers being selected from that branch of the service which is concerned in the matter. The rule in regard to an indictment by a grand jury has no application in cases of court-martial.

Jury Trial: Place.—Trial by jury has been for centuries one of the most jealously guarded rights of the people. The Constitution expressly states that the trial of all crimes, except in cases of impeachment, shall be by jury (Q³). The accused person must be tried in the district where the crime was committed. This secures justice to the accused person, since he is tried among his friends and acquaintances and near the residence of his witnesses. These may readily attend the trial, so that he shall not be deprived of the testimony of any important witness.

Treason Defined.—Treason is a crime which is usually placed in a class by itself. Treason is an act committed by the

citizen, in violation of the allegiance which binds him to the state. Other crimes assail the property or person of an individual, or a single public interest; but treason assails the state itself, and seeks to overthrow the government. The Constitution defines treason as consisting only in levying war against the United States, or adhering to its enemies, giving them aid and comfort. For the conviction of a person accused of treason there is required the testimony of at least two witnesses to the same overt act, or a confession in open court (R¹). Congress has the power to make laws determining the punishment to be imposed for the crime of treason (R²). But the person who commits the treason must alone be punished; the relatives suffer no punishment, nor can their property be taken from them. The English common law made the sentence of death for treason affect the *blood* of the traitor. He could not transmit property to his heirs, and his estate was forfeited. Congress has passed a law that no conviction or judgment shall work corruption of blood, or any forfeiture of estate. There is therefore no forfeiture, even during the life of the person attainted.

The Commerce Court.—See page 402.

QUESTIONS

Give a sketch of the organization of the Federal judiciary.

Wherein is the Supreme Court the most original American institution?

How is the independence of the Federal Judiciary secured? Why is such independence important?

Explain the Judiciary system. Name the four grades of Federal Courts, and tell what judges sit in these courts.

Enumerate the kinds of cases which are tried in Federal Courts.

How are disputes between the State and Federal governments settled?

What is meant by the term jurisdiction? By original jurisdiction?

By concurrent jurisdiction? How is the jurisdiction of the Federal Courts determined?

When and where does the Supreme Court of the United States meet? Where does the Supreme Court of the State meet?

What is the tenure of office of judges of the United States Courts?

What other officers besides the judges are connected with the United States Courts? What are their duties? How are they chosen?

In what cases has the District Court jurisdiction? The Circuit Court of Appeals? The Supreme Court?

In what relation does the Supreme Court stand to the people?

In which of the Federal circuits do you reside? Where does the United States Circuit Court of Appeals for this State meet?

What is the function of the Court of Customs Appeals? What is the nature of its jurisdiction. How many judges constitute this court?

Describe the function and jurisdiction of the Federal District Courts. How many districts in this State? How many districts in the United States?

How many judges are there in the Federal District Courts of the United States? Where are the sessions of these courts held in Pennsylvania? What is the nature of their jurisdiction?

Discuss the courts of the District of Columbia, and the Territorial courts.

What is the function of the Court of Claims? Of the Commerce Court?

What are consular courts? What jurisdiction do such courts have?

What are courts-martial? What is the jurisdiction of such courts?

What does the Constitution of the United States provide in regard to jury trial?

Define treason. What is the meaning of the term corruption of blood? What questions arose during the trial of Aaron Burr for treason? Was Jefferson Davis ever tried for treason?

If a person should rob the mail, in what court would he be tried? If a sailor should steal from a passenger, when out on the ocean, in what court would he be tried?

Have you any knowledge of any case in which one State sued another?

Discuss the question: "Resolved, that all judicial officers should be appointed, and for life."

CHAPTER XXXI

RELATIONS OF THE STATES

State Records.—The acts, records, and judicial proceedings of any State are respected in every other State so far as they can have application (S). Without this provision, a person against whom a judgment had been obtained might remove his property into another State, where the same could not be taken on execution without a new trial and judgment. A marriage or divorce in one State is a marriage or divorce in every other State, although neither marriage laws nor divorce laws are uniform.

Privileges of Citizens.—The citizens of each State are entitled to all the privileges and immunities of citizens of the several States. No State can make any law that shall grant a certain right to some citizens and deny the same right to others under the same conditions. A State may, however, prescribe a certain term of residence therein as a condition for voting at elections (T¹).

Fugitives from Justice: Extradition.—A person charged with crime, who shall flee from justice, and be found in another State, can be brought back for trial by means of a requisition. This is a written demand made by the Governor of the State from which the person has fled to the Governor of the State in which he is found, requiring the delivery of the prisoner to the proper officers, in order that he may be brought back for trial. The Constitution makes extradition between

the individual States a duty (T²). The Supreme Court of the United States has held that when the demand is made in due form, it is the duty of the Governor on whom the demand is made, to respond to it, and he has no moral right to refuse. Nevertheless, the Governors of States have often refused compliance, when substantial justice did not seem to require it. No power has been conferred upon United States Courts to compel compliance.

The power to surrender persons who have committed offenses in a foreign country, and have fled to one of the States, belongs exclusively to the United States. In general the request for extradition, and the surrender of the person, are acts of high authority, and are made in a formal diplomatic way. Treaties have been made with all the important countries of the world, governing the question of extradition; but generally only the more serious crimes, amounting to felony at common law, are extraditable. Most countries refuse to surrender persons charged with political crimes. In general the surrender of a criminal is made only with the understanding that he is to be tried for the crime mentioned in the extradition papers, and for no other.

The class of persons to whom the third clause of the second section of Article IV applies (T³) no longer exists, and it has become inoperative. The clause was really intended for the benefit of the slave-holding States. The Fugitive Slave Law of 1850 was passed under the authority of this clause. The operation of this law caused great indignation in the Northern States where freedom was believed to be the natural right of all men. Since any citizen was required by law to assist in catching and returning runaway slaves, if called upon to do so, the spectacle of a hunted fugitive sent back to lifelong captivity for no crime except that of being a black slave,

brought home to the people the actual conditions of slavery. Under the fugitive slave laws of 1793 and 1850, a free negro who was suspected of being a fugitive could be arrested and his case decided without any chance for the cross-examination of witnesses. In several instances free men, on false testimony, were thus delivered to claimants and sent into slavery. Such acts, in a time of storm and stress, brought on the Civil War.

Territories: New States.—As the National domain was gradually settled, it was divided into portions of various sizes, called Territories, and governed under laws enacted by Congress. First, they were given governors and judges by the President; then, as the population increased, they were given legislatures, chosen by their own people, with the power to make laws subject to the approval of Congress. Finally, when the population warranted the act, most of them have been admitted to the Union upon complete equality with the original thirteen States. The great National domain has thus been a seed bed for the growth and development of new States. Congress has power to make all needful rules and regulations respecting the territory and other property of the United States (U²). In the erection of commonwealths, mistakes have been made by Congress. These should not be repeated. Extreme care should be exercised in the irrevocable step of State-making, nor would it be improper to establish a progressively higher standard of admission.

The Constitution provides that no new State shall be formed by the division of any State, nor by the junction of two or more States or parts of States, without the consent of Congress and the legislatures of the States concerned (U¹). The State of West Virginia was admitted during the Civil

War, but the validity of the formation of the new State was not acknowledged by Virginia until after the war closed.

The admission of Arizona and New Mexico as States in the Union left Hawaii as the only organized Territory remaining. Congress makes all the laws for the government of such territory as the District of Alaska, while the President appoints the governor and other officers. Congress also determines the civil rights and political status of the native inhabitants of our Spanish possessions acquired at the close of the war with Spain. Accordingly, a modified form of territorial government has been created for Porto Rico and the Philippines. In each government the majority of the upper house of the Legislature is appointed by the President, while the members of the lower house are chosen by the people. The governors and other important officers are appointed by the President. Representation at Washington is given by resident commissioners who do not, however, have seats in Congress as the Territorial delegates have, although entitled to recognition by the executive departments in Washington. A just and orderly government for the Philippines is a difficult problem on account of the mixed population, ranging from head-hunting savages to highly civilized Spanish-speaking gentlemen.

Under the direction of the President, the Sulu Islands and Guam are governed by military and naval officers respectively. Tutuila is under a governor, and the Isthmian Canal Zone under a Commission, all appointed by the President.

What are the relations of the United States to Cuba? Congress laid down certain principles as a basis for the government of Cuba; the conditions were accepted, and a republic formed, of which General Palma was chosen as the first president. The most important conditions are that Cuba

must make no foreign agreements contrary to the interests of the United States; must not incur large debts; must keep ports relatively free from disease by proper sanitation; and must cede to the United States certain sites for naval stations. During the past few years the efforts at self-government have not been successful, but the orderly manner in which the general elections of 1908 were conducted has been received as a sign that Cuba is prepared to control her own affairs, and that the political outlook has improved. Three fourths of the registered voters exercised their right of suffrage, and this proportion compares favorably with that in countries more accustomed to self-government. General Gomez, the Liberal candidate, was chosen president of the republic.

Public Lands.—Soon after the close of the Revolution, various States ceded to the United States their claims to western lands. From this cession arose the duties of the administration of these public lands, and the organization of new States. It was decided by that body that the lands should be sold and the proceeds devoted to paying the National debt. An Ordinance passed by Congress in 1785 prescribed the manner in which these lands should be surveyed. The general plan outlined in this bill has been carried out in detail by Congress in acts since passed by that body, and is applicable to all unorganized territory which has since come under the control of Congress. This plan for surveying and subdividing National lands was suggested by Thomas Jefferson, and is very simple. Such land is divided into townships six miles square by meridians and parallels of latitude. The meridians or *range lines* run due north and south, while others called *township lines* cross them at right angles. Then, by lines one mile apart, each township is divided into thirty-six sections. Each of these sections of land contains one square mile, or six

hundred and forty acres. The sections are numbered from east to west and west to east consecutively, beginning in the northeast corner of the township with No. 1, and ending in the southeast corner with No. 36. Each section is divided into quarter sections and sixteenth sections.

The Ordinance of 1785 set apart and reserved section No. 16 in each township for the maintenance of public schools in that township. As this policy has since been followed in all laws concerning territory acquired by the United States, every State or Territory carved from the public lands has in every township one square mile of land devoted to free education. The title to such land is vested in the State Legislature, and the proceeds from its sale form a permanent school fund, the interest of which is paid to the individual townships for the support of their schools. Since the organization of Oregon Territory in 1848, section No. 36 has also been reserved for the school fund. Thus the schools of each of the newer Western States have a magnificent endowment consisting of the income from one eighteenth of the land of the entire State.

The most famous legislation for the organization of the "Territory Northwest of the Ohio" was the Ordinance of 1787. It provided for the organization of government, and announced sound doctrines of civil liberty. Each citizen was entitled to writ of *habeas corpus* and trial by jury. No person was to be molested on account of his religious sentiments or his mode of worship. Neither slavery nor involuntary servitude, except as punishment for crime, was permitted. The Territory and the States formed from it were to remain forever a part of the United States. The Ordinance stated that since religion, morality, and knowledge are necessary to good government, schools and the means of education should forever be encouraged. It is one of the wisest documents ever

put forth by a deliberative assembly, and had great weight in shaping later organization of Territories. The Ordinance of 1787 was framed by the dying Congress of the Confederation. The glory of this Act of 1787 rests with it to offset its many trials and failures.

Under the Homestead Act of 1862, any citizen of the United States, or a person who has filed the declaration of intention, if over twenty-one years of age, may take up 160 acres of government land, and at the end of five years' residence get a title free of cost. Under the Preëmption Act, the price of government land is \$2.50, if it be within the limits of land granted to railroads, or \$1.25 if outside those limits. Most of the land, however, which can now be "homesteaded" or bought is barren or practically worthless without irrigation.

Republican Form of Government.—The United States guarantees to every State a republican form of government. The propriety of a power to prevent a State from changing its government to any other than a republican form is evident. As the individual States have surrendered to the United States the right to keep troops or ships of war in time of peace, it is just and right that a State, when invaded by a foreign enemy, or suffering from domestic violence, should be aided and protected by the Federal government (V).

During the great railroad strike in Chicago in 1894, the whole railway business of the region was practically suspended, and the orders of the United States Courts could not be enforced. The city and State governments were unable to keep order, and Governor Altgeld would not call for Federal aid. President Cleveland, however, made use of the only organized force equal to the case, and sent United States troops to prevent the obstruction of the mails and of interstate commerce. The Governor claimed that the President

should have interfered only on request made by him or by the Legislature of Illinois. The decisions of the Supreme Court sustained the action of the President.

How the Constitution May be Amended.—Since all the future needs of the people could not be foreseen and provided for, it was anticipated that changes would be found necessary; provision was made, therefore, for the amendment of the Constitution. An amendment must first be proposed, and then ratified. There are two different modes for proposing amendments, and two different modes of ratifying them (W).

An amendment may be proposed by two thirds of both houses of Congress; or by a convention, called by Congress, on the application of the legislatures of two thirds of the States. The first method is the more direct and simple, and is the one that has always been followed.

Proposed in either of these ways, amendments, to become active parts of the Constitution, must be ratified by the legislatures of three fourths of the States, or by conventions in three fourths of the States. Congress determines which of the two ways shall be adopted. The first method is the simpler and more direct, and has always been followed. Thus it has resulted that in the making of the fifteen amendments to the Constitution, all were proposed by Congress and ratified by the State Legislatures. The Supreme Court of the United States has decided that it is not necessary that amendments which have received the two-thirds vote of both houses of Congress should be sent to the President for his approval or disapproval. The Thirteenth Amendment, however, proclaimed in force December 18, 1865, bears such an approval by the President.

The three exceptions to the power of amendment were the

result of compromises made in the Convention of 1787. Two of them were caused by slavery, and are now simply of historical interest. The proviso that no State, without its consent, shall be deprived of its equal suffrage in the Senate, will never be changed. No State will ever consent to lose equal representation in the Senate.

The fact that the conditions of amendment are so difficult gives the government a stability of organization which it otherwise would not have. While changes are not prevented, existing conditions cannot lightly be altered. There must be a great desire for a change on the part of the people, as shown by a two-thirds vote in Congress or State Legislatures in proposing it, and the three-fourths vote in ratification. The clause granting the power of amendment is in many respects the most important one in the entire Constitution. The fundamental law is not supposed to be immutable. It constitutes a unit representing the determination of the whole people, and is no less binding upon the legislator than upon the individual citizen. It may be altered by the will of the people, according to established rules. The Constitution may vary, but as long as it exists in a given form, it is the origin of all authority and the sole vehicle of power.

Assumption of Public Debts.—The framers of the Constitution had no intention to repudiate any debts contracted previous to its adoption. The obligation of the general government to pay all debts contracted before its adoption is acknowledged (X¹). The lack of power to raise money by taxation had been a source of weakness in the Confederation, and many debts had been incurred. The assumption of these debts, and the making of their payment compulsory on the new government, was an act of the greatest wisdom; for it served to allay the fears of public creditors, who thought that

a change in the government would be understood as releasing the Nation from its obligations.

Supremacy of the Constitution.—The union of the States would be very unstable were not all State authorities bound by the Constitution, laws, and treaties of the United States (X²). The Nation is above any State; and, if the laws and treaties made by the general government could be nullified by any State, the granting of power to make such laws and treaties would be ineffectual and valueless. But the doctrine of nullification has been overthrown. The Constitution and its amendments, with the laws and treaties, form the supreme law of the land.

Oath of Office: Religious Test.—Binding the conscience of public officers by oath or solemn affirmation, has long been considered effective in securing the faithful performance of their duties. All important United States and State officers are required to take oath or affirmation to support the Constitution. They are also generally required to swear to discharge the duties of their office to the best of their ability (X³).

No religious test can ever be required as a qualification for holding any office or public trust under the United States. The full enjoyment of religious liberty is secured to every citizen, and the introduction of any religious test is prohibited.

Compromises of the Constitution.—(1) The most difficult question which the framers of the Constitution were called upon to settle was that of representation in Congress. The small States presented the New Jersey plan, insisting upon equality of representation,—a single house, with equal vote of the States. They feared that if the number of members in Congress assigned to each State were proportional to the population, a few of the larger States would be able to com-

bine and control legislation. On the other hand, the larger States were able to insist that their greater wealth and population entitled them to greater power in the government, and that they should not be exposed to the danger of undue taxation through a combination of the smaller States upon such measures. The Virginia plan called for two houses with representation according to population in both. A delegate from Connecticut suggested that in one branch—the Senate—the States should be equally represented by two Senators each; and in the other branch—the House—the number of Representatives should be proportioned to the population, and the *people* be thus directly represented. This idea was adopted July 5, 1787, and the first and most important compromise in the framing of the Constitution gave an *equal vote of States in the Senate and proportional representation in the House*.

(2) Soon after this agreement the question of assessing Federal direct taxes came up, and the members from the Northern States desired that in fixing the proportion for each State, negroes should be counted at their full numbers. This matter was compromised (July 12) by a vote that Representatives and direct taxes should both be apportioned counting slaves at only three fifths of their actual numbers. The National government now levies no direct taxes, and the matter of representation of slaves was settled by the adoption of the three great amendments resulting from the Civil War. In the language of the Fourteenth Amendment: *Representatives shall be apportioned among the several States according to their respective numbers counting the whole number of persons in each State, excluding Indians not taxed* (Am. 14).

(3) It was agreed that *Congress should have power to regulate foreign commerce*, but the Southern members had fears

that navigation acts might be passed for the protection of American shipping, and freights on Southern exports be thus increased. A compromise (August 25) left Congress free to pass such acts by the usual majority, but *the slave trade was not to be prohibited for twenty years*. Export taxes were prohibited.

(4) The determination of the relation of the States to the Federal government was a compromise although not so clearly expressed. The Convention at first voted that Congress should have the right to veto State laws. But a substitute clause was adopted (July 17) which practically provides for *appeals to the Supreme Court of the United States, in case a State infringes on the National Constitution* (X²). The Constitution is silent concerning such appeals, but in pursuance of Clause 2, Article VI, Congress has provided for an appeal to the Supreme Court of the United States of all final decisions of State courts infringing upon the validity of the Federal Constitution, laws, and treaties.

"The Federalist."—It was during the time between the submission of the Constitution by the Convention of 1787, and its adoption by the several States, that the celebrated series of papers known as "The Federalist" appeared. These are known to be the joint production of Alexander Hamilton, John Jay, and James Madison. To this day this series of essays defending the Constitution forms one of the wisest and best discussions of the great fundamental law. Those letters which analyzed the general powers of the government, expounded its details, and made clear its historical and theoretical foundations, were the work of James Madison. The general conceptions of government set forth in the Constitution, the defects of the Confederation, and many details of the new plan were explained by Alexander Hamilton. John Jay

discussed the advantages and fitness of the new government for dealing with the foreign relations of the States. These papers form the chief manual of all students and historians of the Constitution.

A Government of Checks and Balances.—The three great departments of the government of the United States—the Legislative, the Executive, and the Judicial—act in such way as to establish a government of checks and balances. Each is given power to defend itself against the encroachments of the other two, and each acts as a check upon the others. No single department can make itself supreme. The President exercises important legislative powers in his veto, and judicial powers when he pardons. Congress, through the Senate, acts as an advisory council to the Chief Magistrate,—without its consent no important appointment can be made and no treaty ratified. The Supreme Court may declare a law unconstitutional, and thus exercise supreme legislative functions. Lastly, Congress, through the initiative in taxation exercised by the House of Representatives, has effectual control over abuse of the executive function by the President. The laws must be made for all alike; and there can be no safety for the people nor for their government unless equal and impartial justice marks at all times its administration. How wonderfully, in many critical times, does the Supreme Court illustrate the wisdom and inspiration of the men who founded the government of the United States!

Ratification of the Constitution.—The immediate ratification of the Constitution was not expected, but a union of less than nine States was deemed inexpedient (Y). In less than one year after the framers of the Constitution had concluded their labors, nine States had ratified the Constitution. The other States ratified it later, the last State being Rhode

Island in 1790, after proceedings under the Constitution had commenced.

QUESTIONS

Name and describe the interstate relations established by the Federal Constitution.

Why should the existing relations between the States and the Nation be preserved?

What is meant by extradition? Is the Governor obliged to surrender an escaped criminal upon the demand of the authorities of the State from which he escaped?

Discuss the Fugitive Slave Laws.

Describe the steps taken in the admission of a State. Could Congress admit a State having a king as its executive?

What measures does Congress take in the admission of a State?

How are new States admitted?

What are the relations of the United States with Cuba?

Describe the government of the Panama Zone. Of Porto Rico. Of Hawaii. Of the Philippines. Of Guam and Samoa. What is the strategic value of Pearl Harbor?

Discuss the topic "Public Lands." What plan did Jefferson suggest in regard to surveys?

Describe the Continental Congress. What may be called the great act of the Congress of the Confederation? When was the Confederation formed? How long did it last? What were its principal defects?

Discuss the effects of the Ordinance of 1785 and the Ordinance of 1787.

How long were the Articles of Confederation in force?

Set forth the influences of the Ordinance of 1787 upon political history in reference to slavery, self-government, and education.

What political features have the States in common? Name the powers each may exercise.

What is the nature of the republican form of government to which each State is entitled?

How may the Constitution of the United States be amended?

Define constitution, convention, and compromise. What were the compromises of the Constitution of the United States?

When two States of the Federal Union disagree, what solution of the difficulty is possible?

When did the United States protect a State against invasion? Against domestic violence?

Would the union of the United States and Canada promote the welfare of the people of these two countries?

What is said concerning the clause granting the power of amendment?

How does history prove that the people in 1787 had great need of the very objects set forth in the preamble of the Federal Constitution?

What is meant by "oath of office"? What is an affirmation? What does the Constitution say about religious tests?

What questions concerning representation arose in the Convention of 1787? What was the Virginia plan? What was the plan proposed by some of the smaller States? What was the compromise plan proposed by Connecticut? Show traces of each of these plans in the Federal Constitution.

What does the Constitution say about Indians?

How may one department of the Federal Government maintain its independence with respect to the other two?

Name some of the checks and balances found between the great departments of the Federal Government.

Explain fully the authorship and influence of "The Federalist."

Name three famous men who have been Chief Justices of the United States, and give a brief sketch of decisions rendered by each.

Why is one department likely to attempt any encroachment upon the rights of another? How can such encroachment be prevented?

What is the effect of the Supreme Court in declaring a law unconstitutional?

How was the Constitution ratified? What State was the last one to ratify it?

It has been proposed that the members of the Cabinet be allowed to appear in Congress and urge upon that body the passage of measures which are desired by the President. What principle would such a course violate?

It is proposed to elect United States Senators by a direct vote of the people. How must the requisite constitutional change be made?

CHAPTER XXXII

THE AMENDMENTS

Desire for a Bill of Rights.—A summary of the rights and privileges claimed by a people is known as a Bill of Rights. A declaration of rights was presented by Parliament to William and Mary in 1689, and enacted after the prince and princess became the rulers of England. At the time of the adoption of the Constitution of the United States, one of the objections raised against it was the fact that it contained no Bill of Rights or statement of political principles and maxims. The framers of the Constitution had thought such declarations unnecessary. But several of the States, in ratifying the Constitution, expressed the desire that declarations and guarantees for certain rights should be added. Virginia, North Carolina, South Carolina, New York, Massachusetts, and New Hampshire all urged that amendments be made. The chief advocates of the Constitution in their several conventions had promised that changes would be possible; so that it was generally understood at the time of the ratification of the main instrument, that such addition as these amendments should be made. Hamilton, in urging upon the States the adoption of the Federal Constitution, argued that any amendments which might be desired by the people of the requisite number of States would be far more easy of attainment *after* the adoption of the Constitution than *before* such event. The fact that every amendment to an established

Constitution would be but a *single* proposition to be considered singly would aid in the facility of effecting an amendment. In the midst of his work for the adoption of the great instrument he writes: "A Nation without a National Government is an awful spectacle. The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a *prodigy*, to the completion of which I look forward with trembling anxiety."

A Wise Provision of the Constitution.—It is provided in the Constitution (W), that amendments may be proposed by Congress and then submitted to the States for ratification. The many amendments suggested at the time of the adoption of the Constitution were reduced by Congress to twelve at its first session. These had secured the requisite two-thirds vote in both houses, and were therefore sent out to the States for ratification. Eight of them echoed the phrases of Magna Charta, the Petition of Right, the Declaration of Independence, and of the Virginia Bill of Rights. Out of the long processes of English constitutional history, the precedents and practices of English courts and justice, the charters and ancient parliamentary protests, these principles set forth by Congress had come. They made secure the rights of individuals against the encroachment of Federal power.

Although Congress proposed *twelve* amendments, *ten* only of those then proposed received the necessary ratification by three fourths of the States. Virginia, the last State necessary to make up the requisite number, ratified these amendments December 15, 1791. These ten amendments—adopted almost immediately after the Constitution—are often spoken of as a Bill of Rights. These ten amendments apply to the United States government only, and are not restrictions upon the States; although the State constitutions generally have sim-

ilar provisions to protect the rights of the people from the State governments. Some of the other amendments to the Constitution of the United States do, however, apply to the States.

Certain rights are essential to civil liberty, and so evidently just, that it is not conceivable that Congress would ever have passed laws directly violating these rights, even had not an express prohibition been placed upon such laws (Am. 1).

Religious Freedom: Free Press and Free Speech.—Freedom in matters of religion, freedom of speech and of the press, all guaranteed in the First Amendment, are very essential to civil liberty. This does not defend slander or libel, nor does the right of the people peaceably to assemble give countenance to public tumult and disorder. The right to petition the government for redress of grievances is also granted by the same amendment. There can be no *State Church*, as the Episcopal Church in England, the Presbyterian Church in Scotland, the Catholic in Austria, or the Greek Church in Russia.

Right to Bear Arms.—To deny the right of citizens to bear arms is a means employed by despotic rulers to enforce arbitrary government. Without the Second Amendment, some feared, ambitious men might, by the aid of the regular army, overthrow the liberties of the people. State laws forbid the carrying of concealed deadly weapons. Congress cannot pass laws forbidding the people to keep and bear arms. A well-regulated militia is necessary to the security of a free state, and the right to self-protection cannot be infringed. A government which trusts its citizens with freedom to keep and bear arms must preserve its character for justice, and it may be partly for this purpose that the right has been formally acknowledged in the Constitution (Am. 2).

Rights of Householders.—The sending of soldiers to private houses and requiring that they be lodged and fed, was once a common practice. This is one of the grievances set forth in the Declaration of Independence under the term *quartering of soldiers*. Congress must respect the home rights of every citizen. In time of peace, soldiers cannot be quartered in any house without the consent of the owner; nor can this be done in time of war, save in a manner prescribed by law. To secure the people against such intrusion is the object of the Third Amendment (Am. 3).

Security of Person, Home, and Personal Effects.—It is provided that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. It is a principle of common law that *a man's house is his own castle*. There could be no security of this kind if every man could, on mere pretense or suspicion of injury, obtain a warrant for arresting his neighbor, or for searching his premises and seizing his property. It is proper that a magistrate shall not issue a *search warrant* unless it shall appear, by the oath of the complainant, that there is probable cause. Even then, the persons and things to be seized and the place to be searched must be particularly described. Otherwise, innocent men might be subjected to much trouble, and unjust suspicion thrown upon their characters. Every citizen has the right to demand the authority by which an official act is done. An officer, or other person, who searches a place or seizes a person or things without a warrant, is guilty of a crime and can be punished (Am. 4).

Rights of Liberty and Life.—The rights set forth in the Fifth Amendment are *common-law rights*, and are founded upon just principles. Grand juries, as to general object, have been described on pp. 119–121. A grand jury in the courts

of the United States consists of not less than sixteen nor more than twenty-three men, drawn by lot. While this article remains as part of the Constitution, no person can be tried in a Federal Court for any serious offense without an indictment by a grand jury. But cases arising in the military and naval service, and in the militia in time of war, are tried in courts-martial without such an indictment. The army and navy could not enforce their needed discipline by such a system, as in those branches there is a necessity for prompt punishment of offenses against military and naval rules. The Fifth Amendment further provides that after a fair and impartial trial and an acquittal, a person shall not be tried a second time for the same offense. Nor can the persons accused of crimes be compelled to testify against themselves, as many were once tortured into confession. No person can be deprived of life, liberty, or property by the United States government without due process of law. Private property cannot be taken for public uses without just compensation to the owners. The government may, however, exercise its right of *eminent domain* and compel an owner to accept an amount found as just compensation by commissioners appointed to estimate the value of the property (Am. 5).

Criminal Prosecutions.—Certain other provisions necessary to secure to every citizen the rights of liberty and life are set forth in the Sixth Amendment. A person accused of crime has certainly a right to a speedy and public trial by an impartial jury. He has the right to be heard in self-defense or by counsel. In England, until recent times, the prisoner was not allowed to have a lawyer to help him make his defense. It is also essential to justice that the accused person should know the nature of the charges against him, that he may prepare his defense. He has also the right to be confronted by

the witnesses against him; to compel by process of law the attendance of unwilling witnesses; and to have the assistance of counsel for his defense even if he is too poor to employ a lawyer, in which case one is appointed by the court (Am. 6). The lynching peril may be removed if courts of justice will secure prompt trial of the accused. This crime seriously endangers the rights and liberties of the people.

Suits at Common Law.—The Seventh Amendment refers to civil suits, or suits concerning property, tried in the Federal Courts. The right to a trial by jury is granted wherever the value in controversy exceeds twenty dollars. Congress could pass a law that civil suits involving less than twenty dollars should be decided finally without a jury trial—say, by a United States commissioner. Such law has never been made, nor could Congress compel the settlement in this way of cases involving twenty dollars or more. According to the common law, when a case has once been tried by a jury, the judges in the appellate court can not reverse the *facts* in the case as determined by the jury. Decisions of the judge in a case may be reversed, if illegal, and a new trial ordered; but unless the judge in the lower court has made such mistakes, the appellate court can not change the verdict nor order a new trial. The common law allows the court before which the case is first tried to grant a new trial, both in civil and criminal cases, if the judge believes the verdict of the jury to be against the weight of evidence. A case may be carried to a higher court on a writ of error, or by an appeal. The first removes the case for reëxamination as regards the *law*, but not the *fact*. An appeal removes it for examination in both law and fact. In Louisiana alone, of all the States, is the common law unknown. The latter part of the Seventh Amendment states that if a fact tried before a jury in a

lower court is carried to a higher court, the reëxamination must be according to the rules of the common law (Am. 7).

Excessive Bail.—The object of bail and the manner in which it is given have been stated on pp. 219–220. Without the restriction made in the Eighth Amendment, the sum might be made so high as to prevent persons accused of crime from securing the necessary sureties; whereby innocent persons might be subjected to long imprisonment before the day of trial. It is therefore properly left to the court to fix the amount of bail, which should correspond to the degree of the offense. Courts have the same discretion as to the measure of fines and punishments. Cruel and unusual punishments are forbidden. Hanging, although cruel, was not unusual at the time of the adoption of the Constitution; and electrocution, although an unusual punishment, gives no evidence of being also a cruel punishment (Am. 8).

Reserved Rights.—There were persons who feared that, because the Constitution mentions certain rights as belonging to the people, those not mentioned might be considered as surrendered to the general government. An amendment was inserted to prevent such a misconstruction of the Constitution (Am. 9).

A Very Important Clause.—The Tenth Amendment is similar to the preceding, and sets forth that the powers which the Constitution has not given to the Federal government, nor prohibited the States from exercising, are reserved by the States or by the people (Am. 10). But, as may be seen on pp. 261–263, the National Government has certain implied powers in addition to those expressly given in the Constitution. Although there is nothing in the Constitution on the question of annexing territory, yet under Jefferson in 1803, Louisiana was purchased from France and promptly in-

corporated. During the Civil War, Congress and President Lincoln took action in many cases which seemed to them of doubtful constitutionality, while such actions were essential to the successful conclusion of the war. The Union must be preserved at all hazards. The Federal Courts have held, in the case of officers whose important duties are strictly defined, that the authority to *do an act* carries with it the power to *use such means* as are necessary for the accomplishment of that *end*. And this amendment should be construed in that spirit.

Individuals Cannot Sue States in Federal Courts.—The Eleventh Amendment was proposed at the first session of the third Congress, March 5, 1794, and its ratification by the proper number of States was announced to Congress by a message January 8, 1798. This amendment prohibits a Federal Court from trying any suit in law or equity commenced or prosecuted against one of the States by citizens of another State, or by citizens or subjects of any foreign country. This is intended to prevent a State from being sued in an original suit by a private person a citizen of another State. A suit may be brought in the courts of the State, but there is no way to compel payment of claims. Some States have taken advantage of this amendment to repudiate their bonds, and this article has prevented the owners from suing the States in the Federal Courts.

The passage of the Eleventh Amendment was largely due to the dissatisfaction aroused by the decision rendered by the Supreme Court of the United States in the case of *Chisholm vs. The State of Georgia*. A sovereign State had been sued in an original suit, and dragged into court by a private plaintiff. The Eleventh Amendment denies the right of a citizen to sue a State without its own consent. Many State

constitutions contain a clause setting forth the manner in which such States can be sued. All such cases are tried in the State courts, and not in the Federal Courts. It has been decided that when a State engages in any business not necessary to preserve its autonomy or sovereignty—as in the establishment of State dispensaries in South Carolina—it waives its rights under the Eleventh Amendment.

Choosing the President and Vice President.—The Twelfth Amendment effects a change in the mode of election of the President and Vice President (Am. 12) and is considered at length under Chapter XXVIII, “The Executive Power.” This amendment was proposed by Congress in 1803, and ratified by the requisite number of States, according to public notice set forth by the Secretary of State, September 25, 1804. Since that time, now over one hundred years, no amendments have been made, or very seriously proposed, except the Income Tax Amendment, proposed in 1909, and the great amendments made necessary by the result of the Civil War. The latter we shall now proceed to consider.

Abolition of Slavery.—The Emancipation Proclamation of President Lincoln, which went into effect January 1, 1863, abolished slavery in those States which were then in rebellion; but it did not affect the other slaveholding States:—Delaware, Maryland, Kentucky, Tennessee, Missouri, and parts of Louisiana and Virginia. The chief cause of the Civil War was slavery, and the conviction was reached throughout the country that this great evil should not survive the war. Men of imagination felt every moment of action dramatic, when on January 31, 1865, the House of Representatives agreed to this amendment; thus proposing the abolition of slavery in the very terms of the Wilmot Proviso and the famous Ordinance of 1787, upon which so much bitter history had turned.

This celebrated Thirteenth Amendment—the first change in the Constitution since 1804—was proposed by the Senate April 8, 1864; but, failing of the necessary two-thirds vote in the House, had been laid aside. But when, on that day in winter, it came a second time to the vote, a deathly stillness reigned while the roll call proceeded. As it became evident that the needed majority was secured, the House broke through all restraint and joined in the shout of joy that arose from the crowded galleries. Men embraced one another, for the end so long desired had come. The amendment was to complete the work of emancipation and make the results of the war safe against reaction. When by oversight the amendment was sent to President Lincoln, and he returned it to the Senate with his approval, that body unanimously voted that the approval of the President was not necessary. The Senate did not notify the House of Representatives of the approval, and since that time no proposed amendment to the Constitution has been submitted to a President. This great amendment, which was declared ratified December 18, 1865, abolished slavery throughout the Union, and gave the slaves the right to be freemen (Am. 13).

The Right of Citizenship.—The famous Dred Scott decision, given by the Supreme Court of the United States in 1857, affirmed that negroes were incapable of citizenship, and that in Revolutionary times they were considered things, or chattels, with no rights which white men were bound to respect. The Fourteenth Amendment, officially declared to have been ratified by the necessary number of States July 28, 1868, reversed that decision and destroyed the distinction between whites and blacks as to citizenship. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State

wherein they reside. Chinese children born in this country are citizens, although Congress has forbidden Chinamen to be naturalized. Indians who maintain their tribal relations constitute an exception to the rule that birth within this country necessarily confers citizenship (Am. 14). Children born to foreign officials living in Washington would not be citizens, because not subject to the jurisdiction of the United States. The Fourteenth Amendment gave the negro civil rights. The Constitution of the United States provides that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States (T¹). Whatever a person may claim as of right under the Constitution and laws of the United States by virtue of his citizenship, is a *privilege* of a citizen of the United States. Thus a citizen may pass from State to State; may have the benefit of the postal laws; may vote if he comes within the conditions of suffrage; or may demand the protection of the United States. Wherever the United States is charged with the duty of protecting citizens against harm, inconvenience, or deprivation, a citizen is entitled to an *immunity* from such hardship.

The Right of Suffrage.—Citizenship does not necessarily imply the right to vote. The Thirteenth Amendment gave the negroes freedom, and the Fourteenth Amendment granted citizenship, but the Fifteenth Amendment was required before they could gain the privilege of voting. The second section of the Fourteenth Amendment was a strong inducement to grant negroes the right to vote, but it did not render the grant imperative. The Fifteenth Amendment, bearing the date of March 30, 1870, compels all States to grant to negroes the right to vote. It declares that the right of citizens to vote shall not be abridged, either by the United States or by any State, on account of race, color, or previous condition of servitude

(Am. 15). The States still possess the right to refuse the privilege of voting to certain classes of citizens, but cannot base this refusal upon these conditions. Notwithstanding all this the negroes, for a century and a half held in bondage, are still under many practical and legal disabilities. The force of the Fourteenth Amendment was weakened by a decision of the Supreme Court that the amendment was not intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States. In Massachusetts and some other States, Northern and Southern, an educational qualification is required of voters. But in the Southern States a peculiar clause, especially designed to prevent ignorant negroes from voting, sets forth that the educational qualification does not apply to persons whose ancestors had the right to vote before negro suffrage began, and who register within a given time after the law was made. This ingenious device, found in several of the State constitutions, has been called the "grandfather clause."

Thus, in the constitutional work of reconstruction, three great amendments to the Federal Constitution were effected. The first of these amendments (Am. 13) declared the negro free forever; the second (Am. 14) made him a citizen; and the third (Am. 15) gave him the right to vote. He now has every right, every privilege, every opportunity which the law can give to any white man. When the Secretary of State in 1870 announced that the Fifteenth Amendment had been ratified, the constitutional work of reconstruction was completed. The sacrifices of the terrible Civil War had not been made in vain.

Thus, through the wise provision for amendment (W), the Constitution has been brought more nearly into harmony with those foundation principles of right and justice which are able to secure the safety and happiness of the people.

The men who framed the Constitution did not suppose that their work was perfect. They saw clearly that there would be growth in the Nation—in wealth, in population, in culture and civilization, in developed industry and commerce, and through the addition of new States. So, as the years pass, still other changes will be made according to the statement set forth in the Declaration of Independence, “it is the right of the people to alter or abolish their form of government” and to institute new relations upon sound principles of action.

It is the people that make the Nation—not the Nation the people. Ours is a Federal Republic, and the essence of our political system is in the Federal element. This Nation has grown great because it offers to the individual the widest liberty of action, consistent with the rights of others; and it has also left as much of government as possible in those repositories of power which are closest to the people. The institutions of this country are worth the price that was paid for them. A great war was the means whereby it was shown that the Union is not a confederacy of sovereign States, each able to secede at pleasure, but a Nation of people bound together by ties which cannot be dissolved. In the language of the Supreme Court of the United States (1868), the Civil War made this Nation “an indestructible Union of indestructible States.” The unity of our political character began with our very resistance to organized oppression, when, as *United Colonies*, in the Revolutionary War we secured our liberties. We were the United States under the Confederation; and the name was perpetuated, and the Union rendered more perfect by the Federal Constitution. Under this instrument, the States severally have not retained their entire sovereignty. In becoming parts of a Nation, *not members of a league*, they surrendered some of their marks of sovereignty.

The right to make treaties, declare war, levy taxes, exercise exclusive legislative and judicial powers, are all functions of sovereign power. The Union makes the States for these functions and purposes no longer sovereign. The allegiance of the citizens of the States, in all such matters in the first instance, is transferred to the United States. As American citizens they owe obedience to the Constitution of the United States, and to all laws made in conformity with the powers it has vested in Congress. Secession, or the claim that each State has the right to withdraw from the Union, died in the great civil conflict. The world has been shown that there is nothing stronger or more stable than what Lincoln called "government of the people, by the people, and for the people."

Constitutions a Growth.—Constitutions do not spring into existence at once, but are of slow growth representing the movement of public opinion through long periods of years. The struggles of the people are for the purpose of formulating that opinion. Our Federal Constitution is not alone the work of the great men who met at Philadelphia in 1787. They did, indeed, produce what Gladstone declared to be the most wonderful work ever struck off at a given time by the brain and purpose of man; but it is rather the fruitage of the seeds sown along the pathway of the English race from the shores of northern Germany to those of greater America. We may see the freedom-loving Germanic people living in their little *tuns*, amid the forest and marshes, and governing themselves by means of the town meeting—the *tungemot*—in which all free-men had voice. Then came the representative democracy of the county meeting or *shire-mot* along with the earlier pure democracy of the *tungemot*.

Amid the turmoil of the Danish invasions these principles

may have been obscured at times, but became clear again in times of peace. When the feudalism of the Normans was established, the traditions of the people still kept the memory of these earlier liberties bright, and the Magna Charta compelled the kings to grant popular freedom in larger measure. In our study of history it will be seen that privileges once granted to the people cannot easily be withdrawn.

Many historians and students of civil institutions regard the Petition of Right, in the reign of Charles I., as of equal importance with the Great Charter. Certainly, it was a bold assertion of rights by the representatives of the people. It showed the confidence of Parliament in the righteousness of its cause, and the determination to oppose the *divine right* of kings and to establish the real rights of the people. In this school of action the lesson of the justice of resistance to oppression was learned. When the Revolution of 1688 gave England new rulers who accepted the crown under conditions, another victory for popular freedom was gained.

In the new world, the Virginia House of Burgesses is the first instance of popular government. The Mayflower Compact is the Constitution in embryo. The various Frames of Government—the “Great Law” and the “Charter of Privileges”—set forth the same strife for the freedom of the people.

The Declaration of Independence, one of the most noble of documents connected with the history of our country, was a strong bond of union and did much to hold the States together. No American who would know thoroughly the history of this country can afford to be ignorant of its contents. And the Articles of Confederation, when we consider fully the time in which they appeared, were a bond of union worthy of careful consideration. With all their weakness, a careful study of their character must always be of value.

A review of the faults of the Articles of Confederation, as revealed in the experiences of the time of trial, will well prepare the student to begin the study of the Federal Constitution. The personnel of the Convention is worthy of attention, and the work shows the greatness of the men who took part in framing the great instrument. It consists of many compromises in which no one obtained what he desired in every instance. These men were wise enough to see that there was room for diversity of opinion, and that in mutual concession something worth while could be accomplished.

And yet the Federal Constitution is not a fixed, unalterable thing, but has been undergoing changes ever since its adoption. Fifteen amendments have modified it very materially from what it was when the Convention closed. Great decisions rendered by the Supreme Court have given new life to its provisions. Political customs have in some cases taken the place of methods prescribed in the text. In the election of a President, the Electors really carry out the will of the National Convention of the successful party. But the force that keeps the mechanism of a party at work is public opinion, and the character of this opinion depends upon the quality of the work done by the several party conventions.

The saying of Gladstone, that the Constitution of the United States is the most marvelous document ever struck off at a given moment by the brain of man, is erroneous in its common acceptation at least. Taken broadly, it is doubtless true, but analytically it is misleading. Clause after clause in *verbatim* language was copied from colonial charters, and ideas and phraseology were selected from English and Dutch precedents. As it was a growth, an evolution, so the student of the history of government knows that innovations are not suddenly injected into law whenever some one person may

desire them. By normal processes of progressive thought, by almost unconscious adaptation of mild improvements upon old ways, are new conditions recognized and means to meet them adopted. At last, so large is the progress, so definite the sum of the small and gradual betterments, that the people frankly agree to an open change in the *organic law* in order to comprehend and retain them.

Constitutional Convention of 1787.—The historian John Fiske says that the members of this Convention contained among themselves a greater amount of political sagacity than had ever before been brought together within the walls of a single room. The best and wisest men in the country were present. Washington was chosen president of the Convention. Among the ablest of the members were Benjamin Franklin, James Wilson, and Gouverneur Morris of Pennsylvania; Alexander Hamilton of New York; Oliver Ellsworth of Connecticut; Rufus King of Massachusetts; Charles C. Pinckney of South Carolina; and James Madison of Virginia.

Organization of the Government in 1789.—The first task which came upon the Congress of the United States in 1789 was the organization of the government. The fact that the organization to-day is essentially unchanged from that which was then established shows how well this work was done. Four of the executive departments were established: State, Treasury, War, and Justice. At the head of these departments Washington placed respectively Thomas Jefferson, Alexander Hamilton, Henry Knox, and Edmund Randolph. John Jay was appointed Chief Justice of the Supreme Court. In this connection the historical order of the establishment of the executive departments has value in the study of civics.

WASHINGTON MONUMENT

QUESTIONS

How many amendments have been made to the Constitution of the United States? What is the nature of the first ten amendments?

What great and essential principles of liberty are set forth in the State constitution? What form does the Bill of Rights take in the Constitution of the United States?

Two of the twelve amendments originally proposed by Congress failed to receive the necessary ratification by three fourths of the States. As a topic for historical study, trace the history of other proposed or suggested amendments.

What is a Bill of Rights? Has the State constitution a Bill of Rights? What is the Bill of Rights in the Federal Constitution?

Which of the amendments to the Constitution of the United States echo the phrases of Magna Charta? Of the Declaration of Independence? When were the first ten amendments ratified?

May a man lawfully carry a revolver in his pocket? Why?

Which amendment makes secure the existence of the State militia?

What are some of the rights essential to civil liberty?

Name three or four of the important guarantees to an accused person. Why are so many provisions made in his behalf?

Find in the Declaration of Independence an expression complaining of nonrepresentation in Parliament.

Can you see how it came about that we have no *state church*?

How many of the reasons assigned in the preamble to the Federal Constitution for establishing this Government are general and how many are special?

How are persons made secure in their homes—that is, safeguarded against unreasonable searches?

Which amendments set forth common-law rights?

Give instances of private property taken for public use.

What is meant by common law? By equity? By statutory law? By international law?

What is the purpose of bail? Why is it regarded as an important element of liberty?

Discuss the topics, bail, and trial by jury.

Which amendments deal with reserved rights?

In what way is the punishment of crime restricted by the Constitution?

What authority is given in the Federal Constitution for the acquisition of territory by the National Government?

What does the Federal Constitution say about punishments?

What important changes were effected by the Eleventh and Twelfth Amendments? Give the respective dates when these amendments were passed.

Which provision of the Federal Constitution prevents a citizen from suing a State without its consent?

What remedy have the people against the setting aside by the Supreme Court of any law which the people want?

What has been the uniform method of adopting amendments to the National Constitution?

What amendments to the Federal Constitution grew out of the issues of the Civil War? State the substance of each of these amendments.

How is the ratification and consequent validity of any proposed amendment made known?

Give the main points in the recently proposed Sixteenth Amendment.

CHAPTER XXXIII

CIVICS AND HISTORY COÖRDINATED

Current Events and Historical Data.—In the study of civics much advantage arises when the subject is coördinated with history and the proper consideration of current events. Many points of interest in such matters may be gleaned from the periodicals and newspapers of the day. The discussion of these points in the class room will add much to the interest which the pupils will take in the subject of practical civics. History is made and done in an essential sense; and civics is simply history in the making. In natural science, thanks to the teachings of Agassiz, we have learned to take the actual things and phenomena as the subjects of study. Why not adopt this method in civics? Let the bank note, the silver certificate, the gold certificate, the greenback, the metallic dollar be shown to the pupils, and the fact brought out that money is the sweat of somebody's brow; the right and title of somebody to the necessities or to the luxuries of life,—not the mere creature of the whims of those who make the bank note or the metallic token. The boy and girl are in the midst of *life now—they are citizens now*. By the proper study of such living topics, they may have training *in* citizenship rather than *for* citizenship. Thus they may truly take their stand for law and order in the schoolroom. Order may at first be due to outward control; but afterward it must be due largely to inward ideal and inward purpose.

The topics in this chapter are treated in a manner similar to that of the regular newspaper articles and editorials on such subjects. They are here presented not only for their intrinsic value, but also as types of the work which may be done by the student in the *civic laboratory*. Each article is referred to the chapter or chapters with which it is most closely connected.

The student should remember that all branches of study at some point touch the field of civics. Thus lessons in civics may be learned from:—

Geography.....	<i>material resources.</i>
Arithmetic.....	<i>taxes and duties.</i>
Physiology.....	<i>preservation of health.</i>
Ethics.....	<i>social morality.</i>
History.....	<i>constant coördination.</i>
Current Events.....	<i>daily news.</i>

President William Taft, speaking to the students in the University of Pennsylvania, said, concerning the influence of the press: "Its power of public instruction is very great. The close relation between journalism and politics, no one who has been even in the slightest degree familiar with the course of a popular government, can ignore."

TOPICS

The Right to Vote.—That the exercise of the suffrage is an obligation due to the state and to the community is a lesson that ought to be learned and taken to heart by every young American. In laying down certain requirements for voting, the constitutions have aimed at two things: first, to make citizenship responsible and serviceable, and second, to prevent the usurpation of the privileges of citizenship by unfit persons. Under the provisions of

the United States Constitution, all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. The right to vote is determined by the State authority. The visible purpose of these provisions is to limit the ballot to responsible members of society and to keep it out of the hands of vagabonds and persons having no interest in the common welfare. Thus the possession of the right of suffrage is made an honorable distinction and affords a foundation for good government. The citizen who pays his State or county tax and registers in due time is free to vote without interruption and his legal capacity to do so marks him as a normally good member of society, conscious of his duty as such. Neglect of that duty should and does operate to the prejudice of the delinquent. Chapter I.

Rights of the Individual.—No more timely, solemn, or important utterance has been given by any jurist in recent years than that of Supreme Court Justice Gaynor of the New York State Courts, in relation to the "mugging" of the Duffy boy. In this case the police kept the photograph of the boy in the "rogues' gallery," although he had not been convicted of crime. The judge is entitled to the gratitude of all lovers of free institutions for his brave words in behalf of constitutional rights for the weak and unfortunate. In many instances, persons in authority have thus violated the rights guaranteed to the individual by the Constitution. There is no place in our system of government for an autocrat. No official, however high, is above the law. He has no right or lawful power to do anything unless the laws permit him to do it, and then only in the manner and way which the law prescribes. That is our government. The opposite is despotism: for if an official sets himself above the law, he becomes a despot in an actual manner. Ch. I.

Youth and Patriotism.—Of Lincoln's enlistment of 2,500,000 soldiers, 2,000,000 were under the age of 21, 1,000,000 under the age of 18, and 100,000 under 15. Even in those stirring times when patriotism and high resolve were at the flood, no one re-

sponded as "the boys" did; and the great soul who yearned over them,—who refused to shoot the sentinels who slept the sleep of childhood,—knew as no one else knew, the precious, glowing stuff out of which his army was made.

There are millions of boys to-day who would respond as promptly and fulfill the same high purpose. "I am the spirit of Youth, with me all things are possible!" Ch. I.

Liberty under Law.—President Butler of Columbia says: "Let us put a bounty on good citizenship by giving it great influence, by rendering it high honor, and by holding it in incomparable esteem. Let these standards be set early in the home and in the school. Before all else keep the inspiring maxim, '*Liberty under Law*' in the mind of every American child; and as he grows in power of appreciation, see that he understands what that maxim means and what it involves." Ch. I.

Social Morality.—The right of the State to teach morals in the public schools, wholly or partly on the basis of Biblical ethics, is at bottom the right of self-preservation, because moral nations are those that live. Each State ought by statute to define its own right to instruct its public-school children in the fundamentals of social morality. This plan would not be vulnerable to any charge of infringing religious liberty, because it would stop short of touching religion—it would be limited strictly to the State's own undeniable self-interest. One great sentence in the famous Ordinance of 1787, if enacted by any State, would alone be sufficient legal authority: "Religion, morality, and knowledge being necessary for good government, schools and the means of education shall be forever maintained." Without doubt the place for the State to set forth its moral requirements so as to impress most deeply the masses of its people is in the common school. It is not only the right, but the positive duty of the State to inculcate the social morality which covers justice and truth between man and man in the life here present and visible. Ch. I.

Great Treaty with the Delawares.—This treaty of peace and friendship was made under the open sky, by the side of the Dela-

ware, with the sun and the river and the forest for witnesses. Voltaire says of this Shackamaxon treaty, made in 1682, that it was the only treaty between the whites and Indians that was neither sworn to nor broken. It is certain that the Indians were touched by the sacred doctrines of peace, and received the presents of Penn in sincerity and friendship. As they gave the belt of wampum they said: "We will live in love with William Penn and his children, as long as the moon and the sun shall endure."

Ch. II.

Civic Pride.—The people of the Keystone State are not lacking in civic pride, nor in appreciation of the valorous deeds of Pennsylvanians of this or the preceding generations. It is true that the State of Pennsylvania has done its full duty in commemorating the deeds of its heroes at Gettysburg, and it has not been lacking in doing honor to those of the earlier days. And the State has been generous in forwarding works of public import, in encouraging education and in charity and benevolence.

None the less, the people of the Commonwealth should arouse themselves to a proper appreciation of their great history. It is not the State that has been remiss, but the people of the various sections. They have not, as New England has, glorified their heroes. They have not, as the people of New England have, erected monuments to tell the stranger within their gates, the glorious history of their ancestors. Pennsylvania's deeds are no less than those of any other State, but the people of Pennsylvania have been more modest in proclaiming them. Modesty is a virtue, in the individual, but lack of civic pride is not to be commended in the people as a body politic. Each section should do honor to its heroes, and take pride in letting the world know their virtues. It is not enough to appreciate our heroic history in our hearts, we should proclaim it unto the world.

Ch. II.

Jennie Wade at Gettysburg.—In that supreme struggle of brothers at Gettysburg the wheat fields with their wealth of golden grain were trampled and stained. One of the most noble and yet pathetic instances of life-sacrifice while attending to duty is com-

memorated by the monument erected to Jennie Wade, the only woman killed in that battle. During the first two days of the conflict she had carried water to the wounded Union soldiers near the house, and had helped in caring for the sick and wounded. On the third day, while molding loaves of bread in the kitchen, she was struck by a bullet and instantly killed. Ch. II.

General Braddock's Grave.—Patriotic citizens of Fayette county have succeeded in raising \$1,250 with which to purchase several acres of mountain land, in the center of which lie the remains of General Braddock, who was wounded in the battle of Braddock's field and carried back into the mountains, seven miles east of Uniontown, where he died and was buried.

The resting place of the British general was originally marked by an oak tree, but this was broken off by a storm in 1868. A fence now surrounds the grave.

Fayette county citizens subscribed money to purchase the ground, fearing that some day the relations of Braddock might attempt to remove the remains and erect over them a monument upon the scene of the famous battle in which the general was wounded. General Braddock may have used poor judgment; the expedition he led against Fort Duquesne certainly was a failure. However, the general proved himself to be a man of remarkable courage and he displayed a spirit that amounted to heroism. Furthermore, the expedition was one of greater or less historical importance, and for these reasons the people of Fayette county are justified in commemorating with a monument the immediate events that terminated in the general's death. Doubtless there are other points that similarly might well be marked lest their historical significance be lost, and in order that they may be readily located. Ch. II.

Penn's Principles of Government.—In all the history of the American colonies, Penn's was the broadest and best scheme of colonization. His two principles of government were: "First, to terrify evil-doers; secondly, to cherish those who do well. I know some say: 'Let us have good laws, and no matter for the men that

execute them.' But let them consider that though good laws do well, good men do better." Ch. III.

Government in the Colonies.—At the time of the Declaration of Independence there were three different kinds of government in the colonies. Rhode Island and Connecticut were true republics. Pennsylvania, Delaware, and Maryland presented under the Proprietors the appearance of limited hereditary monarchies. New York, Virginia, and the other six colonies were practically vice-royalties, with the governors appointed by the king. But in all the colonies alike the people elected the Legislatures.

Amid such variety of opinions and principles, all the political sagacity and good temper of the people was required to keep the country from a period of anarchy. The "Continental Congress" was a most remarkable body of men with which no other revolutionary body save the Long Parliament can be compared.

Ch. III.

Local Government has Developed around the School.—In the early days of Pennsylvania, the prevailing form of local government was the county. When the township made its appearance as the natural agency by which the needs of the immediate locality might be met, the county was too strong to suffer encroachments upon its organization. It retained its board of county commissioners chosen by the people. The townships in our State do not conduct the business of the county through their representatives as in New York. Nor do the voters in the townships hold annual town meetings and participate directly in the management of their local affairs. They choose their local officers biennially, but with the act of election their power ends. The township in this State is a representative government. It has always been found to be an institution of great convenience, especially in relation to the public school. Local government in the Southern States developed around the *courthouse*, and in the New England States around the *church*; but in Pennsylvania it has developed around the *school*. Ch. IV.

Local Assessors soon Begin Their Work.—"The regular ap-

praisal of real estate in Butler county will be begun by the assessors in the various districts of the county in September. The assessors will fix the valuation of all real estate in the county.

“The county commissioners are now getting ready for the assessors. The various books and blanks are being prepared, and, by the time the assessors are ready to go out, all details will be arranged.

“The assessors serve under special instructions based on the State law. This law is definite in the matter of fixing valuation, and declares plainly that property shall be assessed according to its market value.

“It is possible that a meeting of the assessors will be called as was done before the last assessment, and a conference held as to the exact duties of assessors and the basis on which valuations shall be fixed.” Butler, Pa., Aug. 19, 1909. Chs. V and VII.

Local Officers and the Laws.—The proper way to make a good law better or to get rid of a bad one is to enforce it in letter and spirit. That is a most dangerous and unwarranted power which municipal and other local officials sometimes arrogate of deciding what laws should be enforced and when. Local sentiment has no right thus to express itself. Local officials should be under some sort of check and supervision against this tendency.

It ought to be possible for even a small minority of citizens to bring before the courts or other high authorities any derelict local administrative official and, upon showing his refusal to enforce the laws, to have him removed from his position.

The recent attitude of the mayor of one of our coast cities is a notable instance in which this power of modified recall might well have been invoked. Here local, and not at all the proper interests, inspired the mayor to overrule and nullify the law of the State. And wholly aside from the question whether a wide open Sunday is better or worse than the more restricted sort, is the matter of law enforcement.

Ch. VI.

“**Clean Borough Day**” in Wilkinsburg.—The Wilkinsburg

civic league has published a map of the borough which shows in colors the location of every unsightly and unsanitary section. It is planned to have a "clean borough day" June 28, when owners of teams in the borough will be asked to donate their services. Streets will be cleaned, grass and weeds removed, and a general renovation effected.

One of the problems confronting the council is the disposal of garbage, for which no satisfactory means now is employed. The general committee of the league having "clean borough day" in charge is composed of prominent citizens.

The borough authorities have thus received that coöperation desired under similar circumstances by Mayor William Magee in his proclamation, calling on the citizens of Pittsburg to coöperate in making "Clean City Day," June 28, 1909, a success:—

"To produce ideal conditions in governmental matters it is not enough to rely entirely upon the public service; some tasks are necessarily beyond absolute administrative control, and to obtain the greatest degree of success all the people should join in the work. The achievement of individual results is multiplied by the numbers participating." Ch. VI.

Council Committee Approves Street Improvement.—The committee on bridges of city councils, Pittsburg, Pa., has affirmed the ordinance for a contract to rebuild the middle pier of the South Twenty-second street bridge over the Monongahela river.

A contract for a bridge in Meadow street, over Negley Run, was also affirmed, at a cost estimated at \$65,000. Ch. VI.

Our Civic Duty.—In an address recently delivered by Mayor Guthrie of Pittsburg he pointed out the duties that devolve upon the citizens and officials of that great community. "A city beautiful, in my eyes, is a city which is immune from disease and vice; a city where moral and intellectual education is cared for, and where young lives are not unnecessarily crushed; a city where we must work with a sense of the moral responsibility which rests upon us." Ch. VI.

Congress as a City Council.—In so far as the National capital is concerned, Congress is the *city council* of Washington, D. C. An instance in point is shown in the recent approval by Congress of a bill authorizing universal street-car transfers in the capital city. Such bills are carefully prepared by the Commissioners of the District of Columbia; and are then submitted by the president of the board of commissioners, for enactment by Congress.

Ch. VI.

Of the Duty of the Prosecuting Attorney.—Speaking in words which made for liberty the world over, a great judge of this country, one of the greatest in the English-speaking world, John Bannister Gibson, said: "The prosecuting attorney at the railing of the jury box stands not as the avenger of blood, not as a persecutor; but he stands for the rights of the accused as much as for the rights of the Commonwealth."

Ch. VII.

Commissioners Vote to Purchase Land.—The commissioners of Allegheny county have passed a resolution to purchase from the Schenley Farms Company a plot of ground 140 x 289 feet for \$280,000. This plot is an addition to a lot of similar size bought by the preceding board of commissioners for the purpose of giving the new Soldiers' Memorial Hall a Fifth avenue frontage.

Ch. VII.

Monument at Cold Harbor.—The General Assembly of Pennsylvania, by Act approved June 13, 1907, provided for the erection by the State of Pennsylvania, upon the battlefield of Cold Harbor, Virginia, of a monument to commemorate the services of Pennsylvania soldiers on that field.

The Governor of Pennsylvania, in accordance with the provisions of the Act of Assembly, named Wednesday, October 20, 1909, as the day on which the monument would be dedicated. The Cold Harbor Battlefield Commission in pursuance thereof, issued transportation to all surviving honorably discharged Pennsylvania soldiers who were members of any of the sixteen regiments and batteries of Pennsylvania volunteers who took part in that battle. Thus the veterans were enabled to be present at the

dedication of the monument, and allowed six days to visit Richmond and the battlefields in that vicinity. Chs. IX and X.

Names of Soldiers on Memorial Tablets.—The name of every Pennsylvania soldier who fought in the battle of Gettysburg has been placed on the veterans' memorial recently erected on the field by the State. The names are inscribed on bronze tablets placed around the base of the monument. Care was taken as to the correct spelling of the names, and that the name of no man who engaged in the battle was omitted. Ch. IX.

The New School Code.—The most important bill before the General Assembly at its recent session (1911) was the New School Code. Its enactment into law in nearly the form in which it came from the Educational Commission is greatly to the advantage of the school interests of Pennsylvania.

The bill drafted by the Pennsylvania State Educational Commission and passed by the Legislature divides school districts into four classes, placing Philadelphia and Pittsburg in the first class. The former has a population of 1,549,008 and the latter a population of 533,905. The second class districts—30,000 or more and less than 500,000 population—embrace fourteen cities. The third class includes all districts having a population of 5,000 or more and less than 30,000. This class embraces eleven cities, one hundred and twelve boroughs, and thirty-nine townships. All the remaining districts have less than 5,000 population, and belong to the fourth class.

The New Code was made the special order of the night in the house (May 17, 1911). The roll was called on final passage and the Code was passed, 138 members voting for it and 49 against it. The legal majority necessary to pass a bill is 104. The Senate, by a vote of 37 to 8, adopted the report of the School Code conferees. To Governor John K. Tener falls the honor of signing this bill. Chs. IX, X, XX, and XXI.

State Should Stop River Pollution.—Of what use is it to spend millions of dollars installing filtration plants to purify the public water supply if a single business concern may be permitted to de-

file the water at its source in a manner which leaves filtration without effect? The pollution of the water supply is in no respect essential to the prosperity of either our mining or our manufacturing industries. Investigation will probably prove that to get rid of the waste in some other way is not only feasible but easy. It is the business of not only the State but the Federal Government to take measures for the public protection. The State board of health can certainly exercise jurisdiction, and there is surely some officer of the Federal Government—which has jurisdiction over navigable streams—whose province it is to protect streams from pollution, even though interference with navigation is not involved. Both sets of authorities should work in harmony toward this end.

Ch. XI.

Our National Bonfires—Conservation of Forests.—An ordinance of William Penn, in the early days of the colony, required that one acre of land be left covered with trees for every five acres cleared. This wise measure was not followed, however, and there has been much needless destruction of the forests in past years. A strong sentiment has, however, been awakened in favor of forest preservation, and a State department of forestry was created by Act of Assembly in 1901. Since that time the State has been one of the most active and influential in its efforts in behalf of the conservation of the forests. Pennsylvania has a forest preserve of 700,000 acres. A forest renders service in many ways. Its highest usefulness is perhaps reached when it stands as a safeguard against floods and winds, or especially against the dearth of water in streams. The people of the State of New York, through the constitution of 1895, forbid the felling, destruction, or removal of any trees from the State forest preserves in the Adirondack and Catskill woodlands.

What can be done toward the protection of large areas of forested lands has been well established by the work of the Federal Forest Service on the National forests. These cover 185,000,000 acres of public land, and they constitute about one fourth of the forested area of the United States. Fire is the most terrible of all

the foes which attack the woodlands of the United States. Forest fires are due to many different causes. They are often kindled along railroads by sparks from the locomotives. Carelessness on the part of hunters, berry-pickers, and others is also responsible for many fires. The fire loss in the National forests in 1908 was about 110,000 acres, and according to that basis the entire loss in the United States should have been less than 450,000 acres. But in fact the actual area burned over exceeded 7,000,000 acres. What is needed in the matter of forest protection is a system of coöperation between the Federal and the State governments.

Chs. XI and XXIV.

Probation Court.—A name commonly applied to the juvenile court. By its action hundreds of dependent, delinquent, and incorrigible children are taken off the streets each year. Many are taken from their parents and either placed in charge of relatives and friends, or sent to industrial or reform schools. The work of this court is philanthropic, and is supported at present by public-spirited citizens and various civic and social organizations. Men who have been instrumental in starting this movement believe that these courts should be supported by the State. The success of the court cannot be disputed. Under the old order of things, children were dragged into court with other prisoners, and treated in much the same manner. The judges of the county courts sit in rotation, and decide what shall be done with the hundreds of children yearly brought before the court. A judge should be elected solely for the purpose of presiding over this court. It is strange that this excellent court still lacks a permanent fund for its maintenance. It should certainly be supported as an integral part of our system of justice. This valuable provision for dealing with juvenile offenders began with the Illinois Juvenile Court Act in 1899, and twenty-four other States have since enacted laws for placing juvenile offenders on probation. By this method many children are rescued from the paths of crime, and there is corresponding benefit to society. Ch. XIII.

Law and Equity.—The distinction between *law* and *equity* is

quite important. According to Alexander Hamilton, as expressed in *The Federalist*, the great and primary use of equity is to give relief in extraordinary cases which are exceptions to general rules. Thus, a court of equity can give relief against hard bargains. Such are all contracts in which, though there may have been no direct fraud or deceit sufficient to make them invalid in a court of law, yet some undue advantage may have been taken of the necessities and misfortunes of one of the parties concerned, which a court of equity or natural justice would not tolerate. In Pennsylvania there is no separate court of chancery—equity—but the common courts have equity jurisdiction. Chs. XIII and XXX.

Quibbles and Technicalities.—Quibbles have no place in the search for truth. Sometimes, by means of some element peculiar to law or science, the truth may be evaded through artifice or some subtlety of argument. In the decision of appealed cases at law, there should be more equity and less dependence upon legal technicalities. Examples of injustice wrought by the judicial practice of letting mere technical errors outweigh the merits of a case are painfully frequent; so frequent, in fact, as to have become a reproach to our judicial system. It has been made altogether too easy for an appellant, who can command the services of expert legal quibblers as his counsel, to upset the honest action of judge and jury in the lower courts. In the hurry of business before these tribunals, errors are apt to be made. They may not be vital. They may be trifling verbal slips or lapses in the matter of formalities, which do not in any way affect the main offense. But when an appeal is taken, they count just as much as more important matters, and shrewd lawyers find them, under the present system, a most serviceable instrument. The abuse thus fostered is intolerable, and the public well-being requires that it should be effectively corrected, so as to insure that a verdict honestly found shall stand, and that it shall no longer be one of the functions of the legal tribunals to supply loopholes for the escape of the offenders. The demand for a decided reform in this matter of appeals can count upon the indorsement of every

good citizen. The movement for a radical reform in the practice of the courts is rapidly gaining ground throughout the United States, and it is probable that a number of the State Legislatures now in session will pass laws to prevent the notorious miscarriage of justice made possible under the present laws by an appeal to mere technicalities. Ch. XIII.

Orphans' Court—The Probate Court.—This court examines the wills of deceased persons and decides whether they are made as wills by law should be made. In case a person dies without having made a will, and leaves no one to take charge of his estate, the court appoints an *administrator* to take charge of it. The business of the probate court is to see that the property of the dead falls into the rightful hands. When a child becomes an orphan, the probate court—called in Pennsylvania the orphans' court—will appoint a guardian to manage the estate until the child comes of age. Ch. XIII.

Injunctions: Equity.—Courts of equity are designed to protect certain rights of person and property which the common law could not and did not protect. The law could punish a man for wrongdoing, and could require him to pay damages to those whom he had injured. But it could not anticipate a threatened injury and prohibit him from doing it. Sometimes the injury was one which could not be repaired, and often the wrongdoer had no means with which to pay for the damage he had done, so the law frequently left the injured party without redress. Thence arose the *injunction*, which is a restraining order issued by a court forbidding a man to do an act which will inflict injury upon his neighbor. The order can be enforced by fine and imprisonment.

Certain great principles of equity are: (1) He who seeks equity must do equity; (2) Equity suffers no wrong without a remedy; (3) Equity regards the substance and intent, not the form; and (4) Equality is equity.

Popular demand has transformed occasional interferences with the law into a form and method of law; and the same courts have

come to administer both law and equity, to be open to the suitor alike to recover damages for a wrong committed, and to prevent the consummation of a wrong threatened. An ounce of prevention is worth a pound of cure, and the injunction is one form of the power which the community exercises to prevent the perpetration of injustice. Undoubtedly the courts ought to possess this power of prohibiting perpetration of an injurious and illegal act, but it is possible that the power which they possess is too absolute and unlimited. There are about one hundred Federal judges and many hundreds of State judges. Any of these judges, with a few possible exceptions under special State laws, may issue an order prohibiting any person within his jurisdiction from doing any act which the judge may think illegal and injurious. He may issue this order without giving the opposite party a hearing. He may bring before him the man suspected of disregarding the prohibition, try him, convict him, and sentence him to fine or imprisonment, or both. Whatever the defense of the man may be, the judge who issued the order, and who is presumably prejudiced in favor of its legality and justice, hears and tries the man who is accused of violating it, and determines on his guilt or innocence, and decides on the penalty he must pay. There should be a limit placed upon the power of the courts to grant restraining orders. The power to prohibit and prevent wrongdoing should not be denied to the courts, but rather increased; but, on the other hand, the power ought not to be exercised without previous notice and hearing, save in very exceptional cases. Unlimited power to grant injunctions should not be given to all judges; and he who is accused of disobeying such an order should be protected in his right to a fair trial before an unprejudiced tribunal. The English practice requires a hearing of the restrained party's side of the case before granting the restraining order. This was formerly the American practice, and is said to be still required by an almost forgotten rule of the Supreme Court of the United States.

Chs. XIII and XXX.

Shall the People Vote Directly for the President?—The Elec-

toral College has never been an independent body free to select a President and Vice President; for, though in theory the Electors have been vested with such powers, in practice they have no such practical power over elections, and have had none since their institution. In every case the Elector has been an instrument bound to obey a particular command of his party, disobedience to which would be attended with infamy, and with every penalty which public indignation could inflict. From the beginning, Presidential Electors have stood pledged to vote for the candidate indicated by the public will.

In 1825, an attempt was made to procure an amendment to the Constitution, so as to do away with all intermediate agencies and give the election to the direct vote of the people. In the Senate, an amendment was put forward providing for election by districts equal in number to the whole numbers of Senators and Representatives to which each State was entitled in Congress. The amendment did not receive the necessary support of two thirds of both the Senate and the House of Representatives.

Since that time several attempts have been made to secure the election of President by direct vote, but without success. A failure of the popular vote to work its will usually leads to a revival of the discussion. Grover Cleveland, in 1884, was elected with a popular plurality of 62,683, and an Electoral vote of 219 against 182 for James G. Blaine. But in 1888, although he had a plurality of 98,017 over Benjamin Harrison, Cleveland was defeated, since his Electoral vote was only 168 against 233 for Harrison. In 1892, Grover Cleveland was chosen with a plurality of 380,810, and an Electoral vote of 277 against 145 for Harrison and 22 for James B. Weaver. The size of the plurality does not influence the result. Samuel J. Tilden, with a plurality of 250,935, was declared defeated, the final count standing 184 Electoral votes to 185 votes for Rutherford B. Hayes. This last decision was made partly by the Electoral Commission appointed to deal with disputed returns; but, in so far as the popular voice is con-

cerned, the plurality for Tilden was exceeded by that of but three Presidents previous to 1876,—Buchanan, Lincoln, and Grant.

Chs. XV and XXVIII.

Voters in Washington City.—Residents of Washington, D. C., do not vote for officials, National or municipal. The territorial form of government was abolished June 20, 1874, and a board of three regents authorized. On June 11, 1878, Congress created a permanent government by three commissioners to be named by the President and confirmed by the Senate as are other Federal officers. Each house of Congress has a committee on the District of Columbia, and Congress appropriates money and makes laws subject to veto, as do the councils of cities. The three commissioners are like department heads in a city. The ballot was extinguished because the refugee negroes then, as they do now, constituted one third of the population, and in their ignorance, combined with grafting white politicians, they controlled the mayoralty of the old city. There has been much agitation from time to time for the restoration of the old voting privilege. The Federal Government pays half of all city expenditures, which is not far wrong, considering the immense realty and public buildings owned. But both parties have primaries at which National delegates are named. The President appoints a register of deeds and other district officials; also, the members of the district courts, one judicial officer being virtually a police magistrate, although a United States judge.

Ch. XV.

Minority Representation.—This is the means whereby a minority party is given place in the composition of a board which from its nature should be nonpartisan. It is sometimes known as *proportional representation*. The board of jury commissioners, and election boards are thus constituted. The lack of minority representation in State and National affairs produces very grave results. Many of the political evils might have been prevented during recent years, had the people of the State been able to utilize the reasonable precaution of minority representation. It may also be pointed out that many corporate iniquities, to which

legitimate business interests have been unjustly submitted, and from whose evil effects the country has been suffering, might have been wholly prevented had there been some effective minority representation on their boards of directors. Cumulative voting is in some degree a remedy for the evils of majority rule in corporations; since the minority, by putting all its strength on a few candidates, can be practically certain of electing them. Under the plan of cumulative voting, as used in Illinois, each district elects three representatives in the Legislature, and each voter casts three votes for representatives, but may cast them all for one person. The device of the *limited vote* is used in Pennsylvania in the election of some county officers. No person may vote for more than two of the three commissioners. Ch. XV.

Initiative and Referendum.—The method of enacting laws by a direct popular vote is called the *Referendum*, while the proposing of measures by the popular voice is called the *Initiative*. Within late years there has arisen a distrust of legislators, and the desire to secure for certain classes of laws a permanency that is not inherent in ordinary laws, which stand in constant danger of alteration or repeal. Massachusetts, in 1778, was the first State to refer its whole constitution to popular approval. Throughout the Union, it is now the practice to submit constitutional provisions to the popular vote. The first appearance of the political institutions or propositions known as Initiative and Referendum was in Switzerland about the sixteenth century. They have made great progress there in recent years, and are in effect in every canton except Freiberg. In nearly every State in the American Union—Delaware and South Carolina excepted—the initiative and referendum have been reproduced in some degree, and a tendency is everywhere shown to make all very important legislation dependent upon the direct popular vote. Besides the referendums of whole constitutions to popular approval, the referendum is practically employed whenever an amendment to the State constitution is submitted to popular vote; also whenever the people are permitted to decide the question of local option in the sale of

liquor. It is not always possible to consult the whole people directly in the formation of law; but, whenever such a measure is possible, the authority of the law is much augmented, the popular origin of the law contributing greatly to increase its power. There is amazing strength in the expression of the determination of a whole people. The great political writer, De Tocqueville, is correct in his observation that "The cure for the evils of democracy is more democracy." Direct legislation—in the forms known as the *initiative*, the *referendum*, and *proportional representation*—is not only good for Switzerland, but would be even better for our own great Republic. Opponents of direct legislation claim that, while it might destroy the sinister influence of corrupt lobbies and political bosses, it would still be ineffective because the people could not and would not vote as discriminatingly as the legislators, and very few voters would take the trouble to investigate the merits of the questions involved. The result would be that they would not take the trouble to vote at all on the issues, or they would vote without discrimination. It is urged that the people seldom have sufficiently accurate knowledge to act intelligently upon legislative proposals. Almost all the matters of Federal legislation,—tariff, banking, regulation of commerce, appropriations,—are too complicated to be acted upon by the people at large. Though this may not be true to so great an extent of those matters which ordinarily come before our State Legislatures, yet, if the referendum were largely used, it is certain that the legislators would become less careful of the character of their acts and the people would place less importance upon the quality of their representatives sent to the Legislatures. The friends of the initiative and referendum are able to state that wherever practical and workable measures have been enacted, the good and practical results following have exceeded the most sanguine expectations of the supporters of popular and democratic government. It is undoubtedly true that the evils apparent in our Government are due to a defeat of democratic conditions, to the rise of a despotic and unrepudican government in which oppression and despotism

appear under the guise of corporate or privileged wealth operating through political bosses and money-controlled machines. If, however, the people were given the chance to right these wrongs by the means of direct legislation, they would take an intelligent interest in the affairs of government and would see to it that corruption in public rule and plunder of the people should cease. Conservative naturally, they might move slowly, but the heart of the people is morally sound; and if the ignorant, who do not understand the need or nature of such measures, refuse to vote, then they disfranchise themselves for the good of the government. The initiative and referendum become the practicable and workable means of popular government. It is claimed by the friends of popular rule that, if the voters are once given the tools of popular government, they will instantly take their old-time enthusiastic interest in the government; and that city, State, and Nation will again become veritable schools for the study and practice of the principles of political economy.

The *Initiative*, as will be seen, is either the right reserved by the people of a State to originate propositions to be enacted into law by the Legislature and ratified by the vote of the people, or that giving a number of voters in a community the right to cause an election to be held upon a submitted question—as whether liquor shall be sold in a town—and if the vote be in favor of a change (*local option*), then the new condition to obtain under a previously passed statute of the State Legislature. Direct legislation has found its greatest development in Oregon, South Dakota, Nebraska, California, and Iowa. In its local aspect it has been called in to inaugurate many matters of varying interest,—location of county seats, live stock and fencing laws, high school laws, prohibition laws, and others. The provisions of the Act of Initiative and Referendum, which Oregon had adopted, enabled the friends of woman suffrage in 1906 to simply file a petition with the Secretary of State, calling for a vote upon a constitutional amendment without first appealing to the State Legislature. After a vigorous campaign, the official count showed a majority of 10,173

against the amendment. The suffragists succeeded in bringing this question again before the people June 4, 1908. All doubt regarding the sentiment which prevails in Oregon on the question of giving the ballot to women must be dispelled by the significant majority of 21,812. Only four counties out of thirty-three were carried by the suffragists.

The initiative and referendum constitute a political force opposed in action to the Legislature as the delegated authority of the people. Various labor and other parties have turned to the direct vote as a means of holding in their own hands a larger measure of the sovereign power which the people, under the older theories of government, had entirely delegated to their representatives. The doctrine of the direct vote is given free rein in the new State of Oklahoma, and recent years have seen somewhat enlarged use of the referendum in several of the other Western States. At Portland, Oregon, the referendum was given a severe test recently, when a ballot sixteen inches by twenty-two inches, and containing thirty-five separate questions and the names of candidates for six offices was submitted. This would appear to be a misuse of the initiative and referendum, but the election seems to have been conducted with intelligence, and there was not the slightest suspicion of improper voting. Every substantial reform will abide, and reform will prevail because in the last analysis it pays. The principle of initiative and referendum is being extended. Kansas has just adopted it for the municipal charters. In six States it is in full operation for statutes and municipal laws, and in fourteen others it has a more limited application.

Ch. XV.

“The Recall.”—This is a comparatively novel instrument in municipal government. According to the charters of a few cities, a new election must be ordered on petition of twenty-five per cent of the voters or of a division of the city directly interested in the official whose fitness is called in question. The city of Los Angeles, Cal., has forced the mayor out of office by the “recall” clause in its charter. Des Moines, Ia., and Berkeley, Cal., have this feature in

their charters, and it has been incorporated in the draft of Chicago's new charter. With the power of recall in operation, the people will consent to longer terms for public officials and the expense of elections will be reduced. The principal argument against the adoption of the recall is that it may subject an official to the annoyance of running for office over and over because of factious opposition to his policies. This might tend to diminish the courage of conscientious officials and make them timeservers. Reason and experience, however, lead to the conclusion that an unjust attack upon a worthy official would only increase his popularity with the fair-minded majority of the voters in city or ward. A radical innovation of New York law governing the relations of the great city and State gives the Governor power to remove borough and city officials for cause. The official head of the borough of the Bronx was removed from office in 1909 on charges of misconduct and neglect of duty, which the Governor found sustained.

This incident is likely to lead those who dislike the recall to view with favor this extension of gubernatorial power. It is certain that a Governor would never exercise this authority except on extreme provocation, so jealous are the people of their local rights and liberties.

Nevada and California have adopted the right of the people to recall their elected officers. Ch. XV.

Thaddeus Stevens Nominated.—What cannot be said of any other man in history, can be said of Thaddeus Stevens. When he lay dead, he was, on the day following the arrival of his body, and within a few squares of his residence, unanimously renominated for Congress. If more poetic and less practical sections had such a hero, hallowed by such an incident, both the name and the fact would travel down the ages in song and story. Ch. XVI.

Party Principles.—In the political history of our country the centralizing and decentralizing forces have always been at work. The dividing line between the two great parties is the same to-day that it was in the time of Hamilton and Jefferson. The party of *loose construction* of the Constitution is the Republican party,

descended from the Federalists. The Democratic party comes in unbroken succession from the party of Jefferson—the Democratic-Republican party—and is the party of *strict construction*. For the sake of control, parties will adapt their principles to the issues of the time. Both of these great parties have at various times advocated measures not in strict accordance with their historic principles; but in general, the characterization given above will be found to be correct. Ch. XVI.

Direct Nominations.—Governor Hughes of New York has set forth on several occasions the benefits which would come with direct nominations by the people of candidates for elective offices. There is much truth in what he says about the evils of government by parties controlled by “machines.” Examples have been many wherein party principles and the essentials of successful administration have been subordinated to necessities for political leaders. Party machinery, by manipulation, has been made to serve private interests. Party bosses are powerful, and are often selfish, ignorant, and in every way unworthy to exert the large influence they possess over public affairs. The Governor asserts that the plan of direct nominations cannot fail to prove a strong barrier against the efforts of those who seek, by determining the selection of candidates, to pervert administration to the service of privilege or to accord immunity to lawbreakers.

Five States—Michigan, New Hampshire, Idaho, Nevada, and California—adopted in 1909 a mandatory system of direct nominations.

Four States in 1909 extended the principle of direct nominations for United States Senator. Twenty-five States had already taken this action. In Oregon, Nebraska, and Nevada there is practically direct election of Senators by the people. Ch. XVI.

Single Tax.—The advocates of this most radical tax reform propose that all revenues, National, State, and local, shall be raised from a single tax imposed on land. This tax is laid upon land as such, and not upon the improvements upon the land. The abolition of all taxes upon industry and the products of industry is

advocated; and in place thereof, the taking, by a single tax upon land values, of the annual rental value of all those various forms of natural opportunities embraced under the general term land. The ethical argument for the single tax in the form of economic rent rests upon the theory of natural rights. Since all men have equal right to life, and the use of land is essential to life, therefore all people have equal rights to the use of the land. When the exclusive possession of any particular piece of land acquires a value, that value rightfully belongs to all; because all have equal rights to the use of that superior land. For this reason the annual value should be taken as a single tax, and used to pay public expenses.

Ch. XVII.

Limitation of Corporations.—Whatever theory may prevail as to its desirability, increased National control and increased State regulation of corporations has come to stay. The solution of the problem as it is to-day lies in arriving at some working arrangement as to the delimitation of jurisdiction whereby two authorities may be made concurrent, supplementary, and non-conflicting. Perhaps the only logical way would be to place in the hands of the Federal Government larger power than it is now exercising in such matters. That is the only authority able to treat the subject in a broad and comprehensive way; and, because it is superior to the States, it can bring about the desired uniformity and order out of the present confusion. The impression is growing among all who have given the subject deep study, that the laws at present are antagonistic to the progressive spirit of the age, and creative of serious disturbances in commerce and trade. It is almost generally admitted that the railroads should be allowed, within certain limitations, to associate and combine their facilities; not only because that would enable them to serve the country better and cheaper, but because it would aid them to eliminate all secret practices which find their origin and excuse in competition. Thus, in a powerful way, would be promoted that open and square dealing which the law enjoins. Ch. XVIII.

Notice of Application for Charter.—The following is an ex-

ample:—Notice is hereby given that an application will be made to the Governor of Pennsylvania on the first day of September, 1909, by Julia B. Cann, John G. Cann, Leroy J. Cann, and Robert P. Cann under an Act of Assembly entitled "An act to provide for the incorporation of certain corporations," approved the 29th day of April, 1874, and the several supplements thereto, for the charter of an intended corporation, to be called "Cann Coal Company," the object of which is the mining of coal and making sale of same, with full power to do all and every other act lawful and necessary in prosecuting said business. The designated place of business is Stoneboro, Mercer county, Pennsylvania.

S. R. MASON, Solicitor.

August 5, 1909.

Ch. XVIII.

School System of the United States.—The Federal Constitution makes no provision for the establishment and maintenance of a school system by the National Government. The only function exercised by the Federal Government in regard to education is an advisory and instructive one, aside from the assistance given certain agricultural colleges, and the Federal support of the education of children in Alaska. The Commissioner of Education has general charge of these matters. The duties of the office of education are to collect statistics and facts showing the condition and progress of education in the several States and Territories and to set forth such information respecting organization, management, and methods as shall aid in securing the efficiency of school systems and in otherwise promoting the cause of education.

The education of Indian and Eskimo children of Alaska, together with the education of white children in that Territory, is exclusively under the direction of the Commissioner of Education. Various funds arising from the revenues of that district are set aside for the purposes of education. The Commissioner also directs the operations of the reindeer establishments, where the natives are instructed in the care and management of the herds. The introduction of Siberian reindeer into Alaska was under-

taken for the purpose of finding a substitute for the decreasing food supply of the natives. Ch. XXI.

Railroad Accidents.—In general it is true that railroad accidents are comparatively few when the great total of individuals carried for longer or shorter distances is taken into account. This is a matter for gratification from the standpoint of railroad officials and patrons alike. Ch. XIX.

For the Republic.—Curtis says, "Shall we spare any thought, any effort, any cost, to make the public school what we mean it to be, the corner stone of the ever loftier and more splendid structure of political liberty, and to impress upon the teacher, by our sympathy and care, the central truth of the school system, that the child is educated by the State, not that he may read and write only, but that the trained power and noble intelligence of the American citizen may tend constantly more and more to purify and perpetuate the American Republic." Ch. XX.

Selections from Magna Charta.—No document in the history of any nation is more important than the Great Charter. The whole of the constitutional history of England is only one long commentary upon it. Wrung from an unwilling sovereign by the united action of nobles, clergy, and people, it embodies an admirable summary of the fundamentals of English government so far as they had matured by the early years of the thirteenth century. It was not an instrument, like the Constitution of the United States, providing for the creation of a new government. It contains almost nothing that was not old when the charter was granted. But it gathers up within a single document all the important principles which had been recognized by the best of the English sovereigns, but which such kings as John had evaded in every way. King John was in no sense the author of the charter. The preliminary demands of the barons were worked over and discussed, and finally put in the form of the charter. It is a mistake to think of John as "signing" the charter after the fashion of modern rulers. There is no evidence that he could write, and he agreed to the terms of the charter only by having his seal af-

fixed to the document. There is no *one* original Magna Charta in existence. Duplicate copies of the document were made for distribution among the barons. Two of these are in the British Museum. Three important clauses are given below:—

36. “Nothing from henceforth shall be given or taken for a writ of inquisition of life or limb, but it shall be granted freely, and not denied.”

This legal enactment had for its purpose the prevention of prolonged imprisonment, without trial. A person accused of murder, for example, could not be set at liberty under bail, but he could apply for a writ *de odio et atia*—concerning hatred and malice—which directed the sheriff to make inquest by jury as to whether the accusation had been brought by reason of hatred and malice. If the jury decided that the accusation had been so brought, bail could be accepted until the time for regular trial. This process was very similar to the principle of *habeas corpus*. King John had been charging heavy fees for these “writs of inquisition of life and limb,” as they are called in the Great Charter; but henceforth they were to be issued freely.

39. “No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished, or in any way destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.”

A person could not be dispossessed of his freehold rights, nor could he be declared out of the protection of the law, save by the regular courts. It is not to be understood that this clause implies jury trial in the modern sense. Jury trial was increasingly common in the thirteenth century, but it was not directly guaranteed in the Great Charter. This is, however, properly regarded as one of the most important parts of the charter. It undertakes to prevent arbitrary imprisonment and to protect private property by laying down a fundamental principle of government which King John was constantly violating. The principle involved marks very clearly the line of distinction between a *limited* and an *absolute* monarchy.

40. "We will sell to no man, we will deny to no man, either justice or right."

It is herein asserted that justice in the courts should be open to all, and without any payment of money to get judgment hastened or delayed. Extortions of this kind did not cease at the time Magna Charta was granted, but they became much less exorbitant and arbitrary.

63. " It is also sworn, as well on our part as on the part of the barons, that all the things aforesaid shall be observed in good faith, and without evil duplicity. Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runnymede, between Windsor and Staines, the 15th day of June, in the 17th year of our reign." [1215] [SEAL]

Chs. XII, XXIII, and XXX.

"All Men are Created Equal."—So wrote Thomas Jefferson, and so agreed with him the men who represented the protesting colonies. Such appeal to the sense of equal rights before God and the law is the most powerful that can in any way be addressed to the masses of any people. It is, indeed, the very essence of our American democracy that one man should have as large an opportunity as any other man to make the most of himself, and to come forward and achieve high standing in any calling to which he is inclined. To do this the bars of privilege have been thrown down, the suffrage is open to almost every man, any public office has been opened to any one who can persuade his fellow-voters or their representatives to select him.

But equal opportunity to take part in making and enforcing the laws is not in itself enough to insure the successful operation of democracy. It is equally important that all should be capable of such participation. If under any circumstances a class or race is unable, through any defects, to assert themselves beside other classes or races, and to command that share in conducting government to which the laws entitle it, we recognize at once that democracy has broken down, and that, under the forms of democracy, there has developed a class oligarchy or a race oligarchy.

The two things essential for the preservation of the ideal government which the American people would reach are: equal opportunities before the law; and then, equal ability of classes and races to use these opportunities. Absence of the first gives legal oligarchy; absence of the second gives actual oligarchy disguised as democracy.

In America, has arisen "a new nation, conceived in liberty, and dedicated to the proposition that all men are created free and equal." The attempt has been made to unite all races in one Commonwealth and one elective government. A single language became dominant from the times of the earliest permanent settlements, and all subsequent races and languages must adopt the established medium of communication. Mental community, or union in thought and action, is what unites mankind. If we can in any way be brought to think together, we can easily be induced to act together; and the medium of common thought and action is a common language. Through this noble instrument of the human mind all the powers of assimilation are focused upon the new generations. The public schools, the newspapers, the books, the political parties, and all the general agencies of universal education, the railroads with their inducements to our unparalleled mobility of population, are all dependent upon our common language for their high efficiency. This direction of our energies toward mental assimilation rather than to the slower and more doubtful blood amalgamation forms the safeguard of the fate of our institutions. The instrument of a common language is at hand for conscious improvement through education and social environment.

Chs. XXIII and XXXII.

Counting a Quorum.—Previous to 1890, a favorite way of filibustering in the House was for the minority party to call for the yeas and nays on some motion, and then themselves refuse to vote. The majority party, thus left to vote alone, frequently through the absence of some of its members, could not show the majority necessary to constitute a quorum; and the house would be forced to adjourn from day to day. But in 1890, when

Thomas B. Reed was Speaker of the House of Representatives, the rules of the House were changed so as to provide that if a Representative was in the House, he was present and helped to form a quorum whether he answered to the roll call or not. If less than a majority answered to their names, the Speaker was to count all who were in the House to see whether or not a quorum was present. Although bitterly opposed in carrying out this rule, Speaker Reed's action in so doing was sustained by the Supreme Court, and the practice has ever since been followed. Ch. XXV.

The Power of the Speaker.—When Henry Clay, at the age of thirty-four, was chosen Speaker of the House of Representatives in 1811, a new order of political energy came into action. Eloquent, fervid, and full of zeal for American dignity and honor, he could have no feeling of colonialism or of inferiority to foreign powers. Clay organized the committees of the House on an aggressive basis, and the young and vigorous men of the party prepared for war. Clay was the first Speaker to make use of his position materially to influence legislation. He was the first of modern Speakers; for from his day the power of the Speaker's office has grown so strongly along the lines that he marked out, that it can now be justly called at least second in importance and power in the government. The natural leader of that time was Henry Clay; and that the place he was given from which to lead the country was the chair of the House of Representatives is a fact of great significance. One of the most interesting studies in the government of the United States is that contained in the examination of the growth of the power of the Speaker. At the time of the framing of the Constitution, the official in mind was undoubtedly simply a presiding officer charged with the direction of the course of procedure of the House of Representatives through an impartial administration of its rules. But in these later years he has become one of the strongest factors in determining the character of legislation. He signs all acts, resolutions, and other evidences of action of the House. As the presiding officer, he decides all points of order arising during the sessions of the House.

The Speaker of the House, as is the case in the State Legislature, formerly had exclusive power in the formation of the various committees. The most important committees are the Committee on Ways and Means, the Committee on Appropriations and the Committee on Rules. The coveted positions are either chairmanships of the various committees, or membership in these important committees. The amended rules of the House (1910) have reduced the authority and power of the Speaker very materially. Responsibility for legislation is now transferred from the Speaker to the majority of the House. Ch. XXV.

Committee of Ways and Means.—This is the name given to the *tax-proposing, revenue-raising* committee of the House of Representatives. It is a very important committee, and its chairman is always a leading member of the majority party in the House. The business of raising money belongs to this committee, and it prepares and reports to the House all measures for that purpose. The Committee on Ways and Means does not, however, necessarily seek to adapt taxation to expenditures. The primary object of customs duties has for many years past been not the raising of money for revenue, but the protection of American industries; the high tariff has brought in an income sometimes exceeding the needs of the government. The committee charged in general with the business of *spending* money is the Committee on Appropriations, but the direction of many fields of expenditure is given to various other committees. Ch. XXV.

Impeachment of President Johnson.—The Committee on Reconstruction submitted a report in the House of Representatives February 24, 1868, recommending the impeachment of Andrew Johnson, and it was adopted by a vote of 128 to 47. The Senate was notified, and articles of impeachment were prepared. The trial was begun in the Senate on March 5, 1868, and eleven articles of impeachment were presented to the Senate sitting as a High Court of Impeachment. Chief Justice Salmon P. Chase presided at the trial. The oath was administered to him by Associate Justice Nelson, and the Chief Justice then administered

it to the Senators. On May 16 the first vote was taken upon the eleventh article, with the result of 35 for "guilty" and 19 for "not guilty." On May 26 a vote was taken on the second and third articles, with the same result as before. A motion that the court adjourn *sine die* was then carried. Judgment of acquittal was then entered by the Chief Justice on the three articles voted upon. Five Republican Senators had declined to vote with their party, and but one vote was wanting of the two thirds majority required for conviction. Ch. XXV.

Yeas and Nays.—This is a method of voting in which the clerk calls the roll, and records each man's vote after the name; as "yea," "nay," and in certain cases, "absent" or "not voting." The entering of the yeas and nays upon the Journal "puts a man on the record," and the public may know how the representatives voted on such questions.

When a vetoed bill is put upon its passage, the Constitution expressly requires that the vote be taken by yeas and nays. The House of Representatives votes by ballot when it elects the President. The Senate rules recognize no vote except by yeas and nays. Ch. XXV.

Senatorial Courtesy.—This is a custom of the Senate through which an appointment made by the President is not confirmed unless approved by one or both of the Senators from the State most intimately concerned in the appointment. Unless the Senator or Senators belong to the majority party in the Senate, this coercive action against the independence of the Chief Executive is not taken. The effect of this so-called "courtesy" is to add to the possible improper motives of the President, the danger of the equally improper motives of the Senate.

Another custom of the Senate is that no vote is taken upon a motion as long as any Senator is ready to discuss it. This enables a small minority to prevent final action upon a measure by continuing the debate and refusing to accede to a compromise for the purpose of reaching a vote upon the subject. Under this personal prerogative, a Senator during the closing hours of a session, may

engage continuously in speaking upon a question until the hour of adjournment arrives, thereby preventing a vote upon the measure to which he is opposed. The rule of *cloture* or *closure*, in use in the House of Representatives, a method by which debate is closed and a vote hastened, is open to the objection that it has often been used to force the passage of ill-digested laws, on which the Senate has exercised the valuable function of amendment or disapproval.

Ch. XXV.

Appointment of Senate Committees.—In the appointment of the standing committees, the Senate, unless otherwise ordered, appoints severally by ballot the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given is necessary to a choice of a chairman of a standing committee, but a plurality of votes will elect the other members. All other committees are appointed by ballot, unless otherwise ordered, and a plurality of votes appoints. The presiding officer may be authorized by the Senate to fill vacancies in the committees.

Ch. XXV.

Pure Food Law.—After many years of desultory consideration of the subject, Congress has passed a pure food bill by a decisive vote. The bill makes it a misdemeanor to manufacture or sell adulterated or misbranded foods, drugs, medicines, or liquors in the District of Columbia, the Territories, and the insular possessions of the United States, and prohibits the shipment of such goods from one State to another, or to a foreign country. It also prohibits the receipt of such goods. Punishment by fine of five hundred dollars or by imprisonment for one year or both is prescribed. In the case of corporations, officials in charge are made responsible. The idea of the food laws is that men must deal honestly; that the thing they put upon the market shall be pure, unadulterated, and of just weight. There are interests arrayed against these laws, as there are against all laws that seek to overthrow selfishness in the interest of justice.

Ch. XXVI.

Trusts.—A *trust* is a combination of all the processes of a great industry, or all the producers of a certain article, in order to control

the production and price of that article. The trust is usually a corporation chartered by one of the States. Such combinations are of comparatively modern growth, being the result of industrial conditions which have arisen within the half century. Various causes have led to their rise, such as the desire to decrease cost of production, the utilization of waste products in by-products, utilization of patents, economy in purchase of raw material, and the personal influence of promoters and financiers. From the standpoint of capital alone, the trust is almost an unmixed benefit; but if the power thus gained be not handled with care for public interests, the trust becomes a great evil. Congress does not interfere with a corporation so long as it carries on its business only in its own State; but if a trust wishes to monopolize the business in the whole country, and sends its products into other States and to foreign countries, the power of Congress to legislate in the matter becomes of great importance. Congress has forbidden corporations whose products are a part of the interstate or foreign commerce to make any agreements suppressing competition and regulating the markets, but the growth of great corporations has largely defeated this limitation. The tendency within recent years has been to combat the evils of the trusts by investigation, and publication of contracts made and business transacted by them. One of the greatest perils connected with the development of trusts is the growth of monopoly. One great trust controls most of the iron mines and the steel manufacturing plants, and is allied with the strongest railroad systems. These enormous corporations are able to control absolutely the production of certain commodities, and thus remove them from the healthful influence of competition. As a result, they are able to charge excessive prices for the goods produced. In this way a matter of private concern has become one of great public interest, which the State and Federal authorities must regulate.

Ch. XXVI.

Hamilton's "Report on Public Credit."—Alexander Hamilton, the first Secretary of the Treasury, did more to shape the finan-

cial policy of the Federal Government than any other man. He was a man of great genius, the intimate friend of Washington, and had the clearest vision of the principles upon which this Nation was to be founded. One of the strongest constructive forces in the cabinet of Washington, he established the public credit on a firm basis. His report on the "Public Credit" laid the corner stone of American finance under the Constitution. He was a constructive statesman, a deviser of successful measures, a framer of public policies rather than a popular orator or a leader of men. For this reason he has never, perhaps, held the high place in popular estimation to which his great services to this country entitled him. No man, except Washington or Lincoln, is more worthy of a statue in the National capital. Ch. XXVI.

National Receipts and Expenditures.—The total receipts of the National Government for the year ending June 30, 1908, were \$599,895,763. Of this amount \$285,680,653 came from customs, and \$250,714,008 from internal revenue. From the sales of public lands the income was \$12,715,709, and from various other sources, \$50,785,393. The total expenditures for the same year were \$659,552,125. The excess of ordinary expenditures over the revenue was therefore \$59,656,362. Postal receipts are not included, as they are all used in maintaining the postal service. The total receipts, excluding loans, from the beginning of the United States Government, 1789, to 1908 were \$20,741,630,749. The total expenditures during the same period were \$20,825,050,821. Ch. XXVI.

Circulating Medium.—The money in circulation; coin, and notes and bills current for coin. The entire circulating medium of the United States amounts to more than \$3,000,000,000, of which \$2,772,956,455 is in circulation. The percentage of gold is 41.9 of the entire circulation. The Currency Act of 1900 requires that all United States money be kept at parity with the gold dollar. Ch. XXVI.

Free Coinage.—Legal permission given all owners of bullion to bring it to the United States mints and have it coined into

dollars on payment of a certain sum for the cost of operation is called free coinage. The free coinage of gold is already allowed. Gold in bars or bricks is, for all practical purposes, as good as coin; and, in foreign trade, is more convenient to handle. But the free coinage of silver is not allowed; for the silver bullion is of less value, according to weight, than the silver dollar. That is, a silver dollar does not contain a dollar's worth of silver, as the gold dollar does of gold. The free coinage of silver would mean that all owners of silver bullion could bring it to the mints, and have it coined into standard dollars at the old ratio of weight and value, sixteen to one. Ch. XXVI.

Silver: Demonetization: Gold Standard.—In 1873, Congress discontinued the free coinage of silver and established as the unit of value the gold dollar of the weight of 23.22 grains pure gold with one tenth of alloy to prevent abrasion.

The demonetization of silver was unpopular, and in 1878 Congress passed the "Bland-Allison Act," which required the Government to buy not less than two million dollars' worth, and not more than four million dollars' worth of silver bullion each month, and coin it into silver dollars, these to be full legal tender. Under this Act much silver was bought, and during the twelve years in which the law was in force \$378,166,793 in silver was coined. Of this sum \$57,000,000 entered circulation as metallic silver dollars, but the remainder was held in the vaults of the Treasury and representative money in the form of *silver certificates* was issued in its place.

The "Bland-Allison Act" was repealed in 1890, and the "Sherman Act" was passed. This law required the Secretary of the Treasury to purchase 4,500,000 ounces of silver each month at market value, and to pay for the same with *Treasury notes*. Under this law \$156,000,000 of Treasury notes were issued, 36,000,000 silver dollars coined, and 168,000,000 ounces of silver purchased. The Treasury notes were legal tender and could be presented by the holder to the Secretary of the Treasury for redemption either in silver or gold at the discretion of that officer. In 1893 the

purchasing clause of the "Sherman Act" was repealed, and the issue of Treasury notes ceased. In 1900 gold was made the standard unit of value. It is the declared policy of the Government to keep its silver dollars and silver certificates on a parity with gold. They are legal tender, and if presented for exchange would be redeemed dollar for dollar in gold. The coinage of gold is free, but gold bullion is the more convenient form for transportation in the course of the balance of trade.

The demonetization of silver has been the cause of much political controversy. Gold monometallism prevails to-day. The advocates of bimetallism believe that the United States should permit free and unlimited coinage of both gold and silver at a ratio fixed by law. Ch. XXVI.

Standards of Value.—The use of both gold and silver as money is highly advantageous, and almost indispensable; but, since the relative value of the two metals does not remain constant, the use of a double standard of value becomes impracticable. Each metal has its independent sources of supply, and value varies with the changes in supply. Whenever two kinds of money of different valuation are thrown into the trade of a country together, the cheaper money will drive out the dearer money. If the government comes in to adjust the relations of the two metals, such interference disturbs the operations of trade. Were all commercial nations to adopt the double standard, an international congress would still be needed from time to time to adjust the relative values of the two metals. Ch. XXVI.

Greenbacks.—This is the name given to legal tender notes of the United States first issued in 1862. They are so named because the devices on the backs, to prevent alterations and counterfeits, were printed in green ink. Like gold and silver dollars, they are legal tender for all private debts. At one time the total amount of greenbacks outstanding was \$600,000,000. After the resumption of specie payments in 1878, a large number of the greenbacks were redeemed and permanently retired. When the amount had been reduced to \$346,000,000, Congress passed an Act requiring that

thereafter any of the notes redeemed should be reissued. Greenbacks are receivable for all debts and public dues, and are redeemed in coin at the Treasury on demand. The Greenback party was a political organization which in 1876 demanded an increase in the amount of paper currency issued by the Government. This party developed considerable strength in the Western States. Eventually (1884) this party strongly advocated the issue of "fiat money,"—that is, paper money issued by decree or "fiat" of the National Government. General Benjamin F. Butler, nominated for the Presidency on its platform, said: "I desire that the dollar so issued shall never be redeemed." He added that there is no more reason for the redemption of a paper dollar than for the redemption of a yardstick or of a quart measure. Ch. XXVI.

Gresham's Maxim.—Sir Thomas Gresham states the law that every inferior currency tends to expel the superior currency from a country. Issues of paper and depreciated silver cannot enlarge the money volume because they not only displace gold, but also cause an increase in the price of everything that money buys. There is, under such circumstances, no real increase of the money volume of the country, but only an apparent one. There are more dollars than before, but they are cheaper, since the individual dollar buys much less than before the inflation. Under such conditions the creditor loses, and so does the workingman unless his wages rise in the same ratio as do the prices. The safeguard against inflation is a currency based upon gold, or certificates representing deposits of gold. The ideal currency would be one containing nothing else. In all sound-money countries, the bank note is in course of becoming a simple gold certificate redeemable on demand.

Ch. XXVI.

National Bank Notes.—Any National bank may issue notes up to the amount of its capital stock, provided government bonds equal to the amount of the notes be deposited as security. In case the bank fails to pay its notes, the Treasurer of the United States will sell the bonds and make payment from the proceeds. The aggregate capital of the National banks, November 1, 1908, was

\$893,932,010. The notes in circulation at that date amounted to \$643,202,001. The banks pay a government tax of one per cent annually upon the amount issued. The National bank note circulation is the largest single item in our paper currency.

Ch. XXVI.

Coinage of the United States.—The gold coinage of the country consists of double eagles (\$20), eagles (\$10), \$5 pieces and \$2.50 pieces. Certificates are issued against gold held in the Treasury. The gold in circulation November 1, 1908, amounted to \$610,060,562, and the gold certificates to \$807,246,389.

Our silver coinage consists mainly of one-dollar pieces each containing $412\frac{1}{2}$ grains of silver of nine tenths fineness. These are receivable for all public dues, and are a legal tender to an unlimited amount. They may be exchanged for silver certificates. The number of silver dollars in circulation, either in the coins or their representative certificates, amounts to \$540,000,000.

The subsidiary silver coinage, consisting of half dollars, quarter dollars, and dimes, amounts to \$133,000,000. These coins are legal tender to the amount of ten dollars. The Government will exchange them for paper money in sums of twenty dollars or multiples of the same.

The minor coins, nickels and cents, are not legal tender for more than twenty-five cents; but these coins can be redeemed at the Treasury in sums or multiples of twenty dollars. Ch. XXVI.

Rural Mail Carriers.—Rural prosperity has its shadow as well as its sunshine. The head of the Post Office Department is learning this to his sorrow. Many of the rural carriers receive \$900 a year, but are not satisfied. And the rural carrier will insist on complaining about the roads. However, the rural mail delivery system has been a great factor making for good roads. As the Government does not require its rural carriers to traverse impassable roads, there was some incentive to improve the condition of the rural highways, and once begun the work was worth carrying on for its own sake. The rural carrier has been of inestimable value to the rural public in many ways. The rural delivery and the ex-

tensions it has made to the postal facilities have done more than almost any other thing to promote intelligence in the country and to break down isolation. Ch. XXVI.

Postage Stamps.—The denominations of ordinary postage stamps now used by the Government range from one to six cents consecutively, and then go to eight, ten, thirteen, fifteen, and fifty cents; one dollar, two dollars, and five dollars. It will be observed that there are not many denominations to meet all the various weights of mail matter, but there are enough. The thirteen-cent stamp was especially designed to meet the old registry fee of eight cents and the regulation postage of five cents on foreign mail matter, and thousands have been sold to persons living in this country who send registered remittances abroad. Many foreigners within our limits even register their money orders. The thirteen-cent stamp is dark gray in color, and bears the vignette of the late President Benjamin Harrison. From time to time various exposition and special issues are made, and have an initial sale value according to their denominations. Stamps of the Columbian, Trans-Mississippi, Pan-American, Louisiana Purchase, and Jamestown series are no longer issued, and they have been withdrawn from sale, although stamps of these series in the hands of the public, as well as all other ordinary postage issued since 1869, will remain good for postage indefinitely. Ch. XXVI.

Postal Savings Banks.—This is the name given to a system of banking to be carried on in connection with the Post Office Department. There is much to be said in favor of postal savings banks. They are of especial advantage to many foreigners who do not understand our institutions, and often fear the best banks. Indeed, many of them send their savings to Europe by international postal orders, and deposit the money in Europe, rather than here. Postal banks cannot, however, accept large deposits from single individuals; the deposit is limited. It is the duty of Congress to give to the people of this country the same opportunity for exercising thrift by means of the post

offices that the governments of other civilized countries offer their respective peoples. Ch. XXVI.

Library of Congress.—Among the libraries of the world the library at Washington ranks third. The annual report for 1907 shows that the library had 1,433,848 books and pamphlets, and 900,000 other articles. Among the recent additions is the Yudin library, a collection of works on Russia and Siberia of over 80,000 volumes. A large collection of works on Japan, mainly in the Japanese language, has also been acquired. Special attention has been devoted to developing the collection of foreign documents. The expenses of the library, exclusive of \$205,000 for printing and binding, aggregated \$576,000. Ch. XXVI.

Powers of Congress to Establish Certain Courts: Court of Claims.—The establishment of the Court of Claims by Act of Congress February 24, 1855, illustrates the creative power of the Legislative branch of the Government. The court originally consisted of three judges, appointed by the President, by consent of the Senate, to hold office during good behavior. Its jurisdiction extends to all claims founded upon any act of Congress, on any regulation of any executive department, or any contract, expressed or implied, with the Government of the United States, and all claims which might be referred to it by either of the houses of Congress. In cases where the amount in controversy exceeds \$3,000, an appeal may be taken to the Supreme Court of the United States at any time within ninety days after judgment has been rendered. Where the judgment or decree may affect a Constitutional question or furnish a precedent affecting a class of cases, the United States may take an appeal without regard to the amount in controversy. Claims must be filed within six years after the claim accrues, except in cases of disability. The court must hold one session annually, commencing on the first Monday in October. By Act of March 3, 1863, the number of judges was increased to five, and a Chief Justice of the court chosen from the number. The jurisdiction was also somewhat extended. The court has served as a model for similar courts created in several commonwealths. Con-

gress often refers to this court, for decisions upon disputed facts, the claims of paymasters, quartermasters, and other disbursing officers, as well as other claimants where the grounds of relief are not free from doubt. Congress makes appropriations to pay the awards rendered by this court. Ch. XXVI.

Relation of the United States to Immigration.—The thirteen colonies which asserted their independence and compelled England after a long war to recognize it, were chiefly populated by men of the English race, immigrants from England and the lowlands of Scotland. These people were in an overwhelming majority in all the colonies, and especially in New England. Of kindred race with the predominant English were the strong, vigorous Dutch who founded the colony of New York. In the eighteenth century there was an emigration of Huguenots to the various colonies, and these men were of admirable quality. There was also a considerable immigration of Germans from the Palatinate, and of Scotch-Irish from the north of Ireland. The Germans and Scotch-Irish settled chiefly in Pennsylvania, Virginia, and North Carolina. They were robust men, and were a most worthy addition to the population. Speaking broadly, the thirteen colonies at the time of the Revolution had an overwhelming majority of inhabitants who were English-speaking or who came from related stocks. These were the men who fought in the Revolution, and who adopted the Constitution. Our political institutions and our governments, State and National, were founded by and for these people and in accordance with their ideals and their traditions. They were a homogeneous people, and the institutions which they established were essentially their own, were thoroughly understood by them, and suited them in every respect. The soundness of the political system which they founded has been demonstrated by more than one hundred years of existence, and by the glorious record of the manner in which its perils have been triumphantly surmounted.

But there have been many changes in the immigration. After the great famine in Ireland (1845-46), large numbers of immi-

grants came to the United States from all parts of the island, but these people presented no difficulties of assimilation, and were a valuable addition to the population. Later came Germans and Scandinavians whose blending with the people of the United States was merely the reunion of kindred stocks. Then came French-Canadians, a valuable element, but these have been, in a broad sense, Americans for generations, and their coming to the United States was merely a movement of Americans from one part of America to another.

But since 1890 there has been a great change in the proportion of the various nationalities emigrating from Europe to America. The growth in recent years in our immigration has been from Italy, Poland, Hungary, and Russia, from subjects of the Sultan, and is now extending to Asia Minor. With the exception of the Italians, these people have never been amalgamated with the races which have built up the United States.

The only restrictive legislation in regard to immigration into the United States relates to Mongolians. All the rest of such legislation, although somewhat restrictive in effect, is purely selective in character. The criminal, the diseased, all laborers under contract, and all "assisted immigrants" are excluded. There is a growing and active demand for more restrictive legislation.

Late reports give the total number of aliens admitted into the United States during 1907 as 1,285,349, while 13,064 aliens were rejected. Of those admitted, 1,100,771 ranged in age from 14 years to 44 years, 138,344 were under 14 years old, while only 46,234 were over 44 years of age. About thirty per cent of the total number could not read or write. Concerning the financial condition of the immigrants, 873,923 brought less than \$50.00, while 107,502 showed more than that amount. The total amount brought into the country by immigrants was \$25,599,893, an average of about \$20.00 for each person. Ch. XXVI.

Keeping the Nation's Gates.—Two recent official utterances concerning the regulation of immigration at New York are de-

serving of attention and will be regarded with approval by thoughtful men. The right and the duty of deporting objectionable aliens, even after they have been domiciled here for some time, are not to be denied or neglected. But the prior and superior rights and duties are those of strict scrutiny and inexorable rejection of unfit applicants for entrance to these shores. We are not unmindful of the fact that some benevolently disposed persons disapprove such exclusion, and urge that the gates of this nation should be opened freely to the poor and oppressed of all lands. But there is such a thing as carrying the idea of asylum too far.

Ch. XXVI.

Coolies Still Evade the Laws.—Chinese immigration has long been a subject presenting many difficulties to the Government and to Congress. In the early days, when there were no restrictions, tens of thousands of Celestials poured into the country, mostly remaining on the Pacific coast, although gradually going into almost all other sections, until the situation in California became practically intolerable and there was a cry for legislation which could not remain unheeded.

In 1881 a treaty was concluded with China,—the government of which has always asserted a desire to keep her coolie class at home,—which restricted but did not wholly prohibit the immigration of laborers, and admitted teachers, students, merchants, and travelers. This was not satisfactory, and in 1884 the coming of Chinese laborers was absolutely suspended for ten years, the law being extended indefinitely in 1902.

In order to prevent evasions, the law of 1893 defined Chinese laborers to be all skilled and unskilled manual laborers, miners, fishers, hucksters, peddlers, and laundrymen. A merchant was defined as a person who is engaged in buying and selling merchandise at a fixed place of business, and who does not engage in any kind of manual labor. All laborers who had been here prior to the passage of the law were compelled to take out certificates of identification, giving all physical peculiarities, and with a photograph of the applicant affixed. If any of these

laborers desired to return to China and then come back to the United States, permission could be obtained only on the ground, which had to be established by sworn testimony, that he had a wife, minor child, or parent here, or property to the value of \$1,000, or debts to the amount of \$1,000 due him and pending settlement.

Under these rigid regulations Chinese immigration has been restricted, so far as legal entries are concerned, to practically a minimum. For the year 1907 the total entries were 3,255, and there were deported, as coming under the excluded classes, the small number of 259. Of the entries nearly 1,000 were United States citizens, that is, Chinese born in this country; 765 were returning laborers, 733 returning merchants, the latter with their wives and families composing about one half of the total immigration. There were 122 students, 10 travelers, and 6 teachers. There is no doubt that very many of those entering as "American citizens" were not entitled to admission.

Very many Chinese, knowing that they have not the necessary credentials to admit them at a port of entry, go to Canada or Mexico and get across the border. There are, on both the Canadian and Mexican borders, white men who engage in the business of smuggling Chinamen into the United States and in securing the testimony necessary to secure their admission if they are arrested.

While the perpetration of frauds along the Canadian border has largely decreased within recent years because of the head tax of \$500 imposed by the Dominion on all Chinese immigrants, many are being smuggled across from Mexico. Statistics show that more than 45,000 Chinamen have come to Mexico, 5,000 during 1906, and yet in 1909 there were not over 15,000 Chinese in that republic. The only, and the legitimate, conclusion is that they have found their way across the boundary into the United States. It may be said in this connection that the same is true of the Japanese. About 8,000 Japanese entered Mexico in 1905 and 1906, and yet in 1909 there were only about 2,000 there. An

inspector in the Bureau of Immigration, after thorough investigation, reports that fully 15,000 aliens from Europe and Asia enter the United States annually from Mexico. Chinese immigration, prohibited as it is, presents many curious difficulties.

Ch. XXVI.

The Commerce Court.—Congress further exercised its creative power by the formation of the Commerce Court June 18, 1910. This is a court of record composed of five judges assigned from time to time by the Chief Justice of the United States from among the circuit judges of the United States for a period of five years. In the first instance, however, the court is composed of the five additional circuit judges recently appointed (1910) by President Taft, by and with the consent of the Senate. The jurisdiction of the court covers cases relating to the enforcement, suspension, or annulment of any orders of the Interstate Commerce Commission. The court, for instance, will settle disputes between railroads and shippers. In the opinion of many, this court will dominate the activities of the Interstate Commerce Commission.

Ch. XXVI.

Great Naval Base at Pearl Harbor.—Pearl Harbor, Hawaii, is beyond question one of the best, if not the best, natural harbors in the world. It has a depth of water of over sixty feet and an area of over ten square miles, and is capable of floating the combined navies of the world. It is not only landlocked, but, by reason of the topography of the surrounding ground, ships lying in this harbor are out of view from the open sea. It is the only really good site for a naval base in the Pacific ocean, and is the recognized key to naval supremacy in those waters. Its equipment as an operating base is essential to the most successful operation of our fleets whether offensive or defensive.

For over sixty-six years the United States Government has recognized the strategic importance of the Hawaiian Islands. In 1842, President Tyler gave notice to all European nations that the United States would never consent to their occupying Hawaii or establishing any naval base there. This "Monroe doctrine of the

LOCATION OF PEARL HARBOR WITH REFERENCE TO OTHER PORTS

Pacific" was reiterated by Daniel Webster, as Secretary of State, in 1851, by William L. Marcy, by James G. Blaine, and by William McKinley.

In 1898, this country, foreseeing that these islands might fall into the hands of an Oriental nation, annexed the Hawaiian Islands. This action was taken primarily because of the strategic value of the islands, and for the purpose of establishing a strong naval base at Pearl Harbor. This naval base is not designed simply to protect Hawaii; its main purpose is to form a buffer of defense for our whole Pacific coast, and to make possible our naval supremacy in that ocean. The equipment of Pearl Harbor is a matter of National prudence. It affords the least expensive way of defending our Pacific coast, and will be one of the strongest factors in the prevention of war with any power in the Orient. The question of a naval base in Hawaii is not comparable with the same problem elsewhere. Hawaii is both a permanent and organic part of our Nation, and a source of revenue also. The Federal Treasury receives over one million dollars annually from this source. Every consideration of National honor and policy demands that this great defensive outpost at Hawaii be made impregnable and equipped as a naval base at the earliest convenient time.

By a strange destiny, American feet have been placed in the Hawaiian Islands, in the Aleutian Islands, in Alaska, in Panama, in Samoa, in Guam, and in the Philippines. This great Nation, the one mighty nation of peace, now spreads out over the whole Pacific. The Hawaiian Islands form the center of a large circle whose radius is the distance from Honolulu to San Francisco. Shut out from these islands as a base, an enemy would be thrown back for supplies of fuel to distances of about 4,000 miles—an impediment to maritime operations almost prohibitive. It is rare that so important a factor in the defense of a sea frontier is concentrated in a single position, and this Nation must rise to its opportunity and make Pearl Harbor the greatest naval base in the world.

Ch. XXVI.

Army Officers and West Point.—One of the stock arguments for building up a military establishment in this country has been the example of England, Germany, France, and Russia. These powers have spent enormous sums for protection against each other, just as we are spending enormous sums for protection against everybody in general. And yet the net result has been to make all Europe a most timorous, as well as heavily armed camp. Some untoward event is likely to happen there at any moment, and precipitate a general conflict, all through sheer nervousness or overstrained caution. Leaning on a bayonet is little more soothing or sustaining than on the traditional broken reed, while the bayonet costs much more. Still, however much one may regret the necessity for maintaining a standing army, and however much one may feel that it is safe to rely greatly on a volunteer army in times of greatest danger, it must be admitted that, under existing conditions, a body of trained land fighters is necessary for the National defense. In consequence, the whole people will take pride in the efficiency and high standing of that body and will be pleased to echo the sentiments of the Secretary of War when he presented diplomas to the West Point graduating class. The young men who learn the rudiments of soldiery in this National Academy are, indeed, of the finest type of American men, both physically and mentally, and they will compare favorably with army officers reared and trained in any part of the world. Ch. XXVI.

Flag Day in America.—While the expressed hopes of Civil War veterans, that Flag Day will come to be observed as generally as is Memorial Day, may not be fulfilled, the suggestion that Old Glory be prominently displayed on this occasion is surely worthy of general recognition. Every American should be inoculated with respect for the flag, not for the piece of bunting itself, but for what it symbolizes. There are never too many occasions on which the Stars and Stripes can be displayed appropriately. The suggestion, too, that the observance of Flag Day be carried over into Independence Day contains much of merit. The busy business world may not feel disposed to give pause on a special date for special

exercises commemorative of the birth of the flag. But the substitution of such exercises for the inane, explosive fashion of celebrating the Fourth that is becoming so unpopular would be singularly appropriate.

The American flag is a growth, rather than a creation, for as early as 1774 Captain Markoe, of the Philadelphia Light Horse, used a flag with a canton of 13 stripes, one for each of the colonies. In the latter part of 1775 Dr. Franklin and Messrs. Lynch and Harrison were appointed to consider the subject of a National flag. The result of their conferences was a flag bearing the Union Jack, representing the yet recognized sovereignty of England, with a field of 13 stripes, alternate red and white, emblematic of the union of the colonies. The new striped flag was hoisted for the first time on January 2, 1776, over the camp at Cambridge, but after the Declaration of Independence, the Union Jack was dropped. Various other flags were used, both on land and sea, causing more or less confusion. Finally, the necessity of a strictly National flag being realized, the following resolution was adopted on June 14, 1777, by the Continental Congress:

“Resolved, That the flag of the United States be 13 stripes, alternate red and white; that the union be 13 stars, white, on a blue field, representing a new constellation.”

Paul Jones is said to have been the first to raise the new flag over a naval vessel, and it seems that the first use of the Stars and Stripes on land was at Fort Stanwix, where a hastily improvised flag was raised over some captured British colors on August 6, 1777. The flag was used at the battle of the Brandywine, and thereafter in all important engagements until the close of the war.

On January 13, 1794, Vermont and Kentucky having been admitted to the Union, Congress enacted “That from and after May 1, 1795, the flag of the United States be 15 stripes, alternate red and white; that the union be 15 stars, white in a blue field,” the intention apparently being to add both a stripe and a star for each new state admitted. In 1818, however, the number of states having increased to 20, Congress enacted that the number of stripes

be reduced to 13, to typify the original 13 states, that the number of stars be increased to 20, and that "on the admission of every new state into the Union one star be added to the union of the flag, and that such addition shall take effect on the Fourth of July next succeeding such admission." That has been the rule governing the flag ever since, maintaining its graceful design and proportions.

Ch. XXVI.

Victory of Manila.—In the harbor of Manila, on the morning of May 1, 1898, one of the most remarkable naval victories in the history of the world was won by an American squadron under Commodore George Dewey, who was afterwards made Admiral of the navy. When war began between the United States and Spain, Commodore Dewey was at Hongkong, China, in command of the Asiatic squadron. He was at once ordered to sail to the Philippines, and capture or destroy the Spanish fleet at Manila. As he sailed out of the bay at Hongkong, the signal sent out to the fleet was: "Keep cool and obey orders."

A little before midnight on the 30th of April, the *Olympia*, as flagship, led the American vessels in single file past the forts at the entrance of the bay of Manila. All the lights on the vessels were hidden, and the ships passed on unseen by the Spaniards, until the soot in the smokestack of one of the vessels caught fire. The guns of the Spanish batteries were instantly turned upon the fleet, but no injury was done.

As day broke on the morning of May 1, 1898, Dewey found the entire Spanish fleet drawn up under the protection of the Cavite batteries about nine miles from the city of Manila. Admiral Patricio Montojo, one of the ablest Spanish officers, was in command. About five o'clock, the *Olympia* leading, the American fleet bore down upon the Spanish. Amid the muffled roar of submarine mines, exploded too hastily by the Spaniards, the American fleet passed on until the quiet command of Dewey to the captain of the *Olympia* came: "You may fire when ready, Gridley." Five times, in single file, the American fleet passed and repassed the Spanish vessels, pouring in deadly broadsides with the wonderful marks-

manship of the American gunners. At the end of two hours, nearly every ship of the Spanish fleet had either been sunk or set on fire.

This victory led to the acquisition of the entire Philippine group of islands by the United States. These were the most important colonial possessions of Spain, form one of the largest groups in the world, and are so rich and beautiful that they are called the "Pearls of the Ocean."

Ch. XXVI.

"Fighting Bob."—At the climax of the brilliant scenes attending the reception of the great fleet of battleships at San Francisco, May 9, 1908, Rear Admiral Robley D. Evans laid down his command after forty-five years of loyal service. Entering the navy during the Civil War, he had his baptism of fire under Admiral Farragut and early proved his courage, being severely wounded in the attack on Fort Fisher. In 1891 he was in command of the *Yorktown* in the harbor of Valparaiso, Chile, and by his courage and readiness he mastered a difficult situation and put an end to strained relations between Chile and the United States. In the war with Spain he was a conspicuous figure, taking part, as commander of the *Iowa*, in the destruction of Cervera's fleet and otherwise earning distinction. His promotion to the grade of Rear Admiral in 1901 was a fit reward for his services to his country.

Admiral Evans was always a favorite with the people, who loved him for his dash and daring and his thoroughgoing Americanism. His sobriquet of "Fighting Bob" is a better tribute to his worth than all that his biographers can say of him. He upheld nobly the American standard of patriotism and manly prowess, and he took with him into his retirement the admiration and the gratitude of the Nation.

Ch. XXVI.

Powers Under the Constitution.—Chief Justice John Marshall has been called, by an eminent jurist, "a second author of the Constitution." This estimate of this greatest judge in our history was made, not simply because he was a great lawyer, but because he was a statesman of high order interpreting the Constitution in accord with the deepest needs and purposes of the Nation. Marshall has defined *implied* powers as those that are necessary to

carry into effect those that are expressly *delegated* or granted by the Constitution. Thomas Jefferson—strange as it may seem—gave the *loose construction* of the Constitution its broadest application in the purchase of Louisiana without authority specifically expressed in the Constitution. When this vast extent of territory, 800,000 square miles, fell to the new republic, perpetual union was assured. And the party of *strict construction* had done the act, and thus had committed itself to a broad interpretation of the Constitution and a liberal conception of the Nation's greatness and destiny. The right to annex territory was afterwards upheld by the Supreme Court. Daniel Webster, speaking words of praise of the military power of England, uttered a truth which is fast becoming applicable to the younger branch of the great English race: "A power which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

Ch. XXVI.

Suspension of Habeas Corpus.—In the summer of 1862, the opponents of the war took every advantage of the military disasters that came to the Federal arms, to discourage enlistments, to denounce the course of the Government, to demand the cessation of hostilities, and to thwart in many ways the success of the Union cause. The difficulties in the way of conviction for treason were so many that President Lincoln issued an order suspending the writ of *habeas corpus*. This was a sign of the desperate straits into which the Government was driven at that time.

Ch. XXVII.

Relations between the Executive and Legislative Branches of the Government.—During the administration of President Roosevelt a great number of legislative functions were undertaken by the Executive. In outlining new fields of National control, in supplying Congress with data on the various topics recommended for its notice, and even in drafting new legislation, the precedents were all broken. Congress was restive and unwilling

under Executive pressure. There is always need of coöperation between these two branches of the National Government, especially in view of the exceptional seriousness which some questions in legislation have assumed. The fundamental question is whether the Executive should in future continue to originate legislation more freely than in times past. Ch. XXVIII.

Electoral Count Act.—The excited and perilous contest over the disputed election of 1876 induced Congress to pass (1887) an Act which empowers each State, in case of controversy, to decide how its own vote stands; in case it fails to decide, the question then comes before Congress. The President of the Senate opens the Electoral certificates in the presence of both houses; he then hands them to the tellers, two from each house, who read them aloud and record the votes. If there is a dispute, the returns certified by the officially constituted State tribunal are accepted. In case of rival tribunals, the vote of the State is not counted unless both Senate and House of Representatives separately agree to accept one of them as official. Ch. XXVIII.

Senate and House Meet in Joint Session to Canvass Presidential Vote.—The two houses of Congress met in joint session in the hall of the House of Representatives at 1 P. M., February 10, 1909, to count the Electoral votes. The result was the election of William H. Taft, of Ohio, and James S. Sherman, of New York, to be President and Vice President of the United States, respectively.

Vice President Fairbanks, occupying a seat on the right of Speaker Cannon, presided. After announcing the purpose of the meeting, he unlocked the wooden boxes containing the Electoral votes, extracting and opening them in alphabetical order by States.

As the votes of each State were opened, they were handed by the Vice President to the four tellers, Senators Burrows and Bailey and Representatives Haines and Russell, who proceeded to count them.

The count concluded, the result was announced to the presid-

ing officer, showing 321 Electoral votes for Taft and Sherman and 162 votes for Bryan and Kern. The Vice President then inquired if there were any protest against the vote as announced, and, there being none, he formally announced the election of Taft and Sherman.

The joint session being ended, the members of the Senate returned to their hall for the regular transaction of business.

Owing to the limited capacity of the hall of the House, few persons other than the families and relatives of the members of the two houses were able to witness the ceremony.

Ch. XXVIII.

If the President-Elect Should Die.—There is a good deal of unnecessary worry over the matter of the Presidential succession and the contingency that would have to be met if a man should die between election and inauguration to that office. A current proposition to vest the temporary filling of the vacancy in Congress is not a good one for this reason, that under the present circumstance and many others this would result in a man being chosen of a sort entirely different from the one the people have designated.

As long as the present Electoral College method of electing Presidents prevails it ought to be sufficient in such a contingency to provide for calling them back to elect another man, without benefit of nominating conventions. And if this form of electing be ultimately abandoned, the Executive in office might hold on with authority to exercise only the routine and absolutely necessary duties of the position until another successor, chosen at a special election ordered by Congress, could take the oath of office. The whole emergency process need not take very long.

Any proposition to permit the House or the Senate, or both, to select the Executive in case of a vacancy is certain, if precedent be any guide, to be wholly out of harmony with popular desires.

Ch. XXVIII.

Powers of the President.—The President individually exercises greater influence than any other man in the country, and this

unofficially as well as officially. President Roosevelt, unofficially, has been able to adjust formidable conflicts between capital and labor; to procure the adoption of a treaty of peace between Russia and Japan, and thus end terrific warfare; to mold in a marked degree the morals and manners of the people, and otherwise to direct in many ways the destinies of nations.

Officially the President is strong in the possession of the veto power, to overcome which a two-thirds vote of both houses is necessary. Moreover, he is capable of settling many great questions without Senatorial advice or assistance, wielding a sort of independent executive authority which may be used either for constructive or for destructive purposes. In the establishment and enforcement of the Monroe Doctrine; in such cases as that wherein President Polk brought about a state of war with Mexico before the Legislative branch of the government was consulted; in Jefferson's purchase of Louisiana; in Cleveland's use of the military to suppress the Chicago riots;—there was a distinct exercise of executive independence. The war powers of the President, as exemplified by the consequences of Lincoln's act in freeing the slaves; the recognition of nations; the exercise of authority through the Cabinet; the absolutism of the Executive in diplomatic intercourse; the control exercised over the colonies, over the tariffs, over the Treasury and the National banking system, over the army and navy and the ports of the country, over the Federal Courts, over the public domains and the postal service; the right of issuing proclamations; the vast powers of appointment—these and other attributes are proof that, be Congress constituted as it may, the personality of the President, his opinions and his designs, are of supreme importance, and that the selection of an unfit man for the Presidency would involve great danger to the Nation. Ch. XXVIII.

Executive and Legislative Power.—In discussions relating to the Constitution it was objected that the Executive power is blended with the Legislative and can thus exercise undue influence. The President truly has an influence; but all such impulsive

power can only be salutary, since he becomes the channel of communication between those who make and those who execute the laws. The Vice President is not truly an executive officer while the President is in discharge of his duty, and when he is called to the Presidency his direct legislative voice ceases. Ch. XXVIII.

Monroe Doctrine.—This doctrine is based upon a declaration set forth in the annual message to Congress, December 2, 1823. The Spanish colonies in America having revolted, it was rumored that certain European powers—the Holy Alliance—contemplated interference, although the United States had acknowledged the independence of Mexico and the South American republics. The essential principle declares that the American continents are not to be considered as subjects for future colonization by any European power. Also, that any effort to oppress the South American States or to control their destiny will be viewed as a manifestation of an unfriendly disposition toward the United States. The protest proved effectual. The Holy Allies did not meddle with South American affairs. This doctrine has ever since held a place in the diplomacy and in the political creed of the Nation. It is the National resolution to assert and maintain the leadership that nature and history have assigned to the United States on the Western Continent. It is in no sense a principle of international law, but the doctrine has developed from a benevolent will to oppose foreign aggression until now it has become a calm assertion of paramount interest. Hamilton foresaw it in the *Federalist* when he wrote, “our situation prompts us to aim at an ascendant in American affairs.” Ch. XXVIII.

Democracy against Tradition.—There was practically but one issue in the Presidential campaign of 1828. It was a strife between democracy and traditional policy. A change of 26,000 votes in Pennsylvania would have given John Quincy Adams the vote of this State, and the election. Andrew Jackson carried every Southern and Western State, and received 647,231 popular votes against 509,097 for Adams. “A new king had risen up over Egypt, which knew not Joseph.” A positive and forceful char-

acter could alone win the admiration of the people of the growing, thriving, bustling, eager communities of the West. John Quincy Adams, though one of the best Presidents the country has ever seen, was not a popular one. A widespread notion prevailed that there was danger of the formation of an aristocracy, and it was believed that Jackson represented the people, and had been unjustly set aside when Adams was chosen by the House of Representatives four years before. Andrew Jackson was carried into office on a wave of popular enthusiasm. Ch. XXVIII.

Spoils System.—This is the practice of regarding public offices and their emoluments as so much plunder to be given to active partisans by those who are chosen to the greater administrative offices. Although Andrew Jackson in 1829 really meant to carry out his task of reform and remove no man from office without sufficient reason, he succeeded only in demoralizing the public service, since he took the advice of unscrupulous men intent only upon their own selfish ends. The practice antedates the day of that great hater of corporate greed and private advantage from public office. Ch. XXVIII.

That One-day President.—The assertion is sometimes made that on Sunday, March 4, 1849, Senator David Rice Atchison of Missouri, who was then President *pro tempore* of the Senate, was President of the United States, *virtually* for that day. He never was President virtually or otherwise. In 1793 Congress enacted that, in the event of no President or Vice President being ready to succeed, the office should devolve upon the President of the Senate, and next on the Speaker of the House of Representatives. This law was changed in 1886. Now Zachary Taylor and Millard Fillmore were in Washington on March 4, 1849. It being Sunday, they permitted an interregnum to follow until the next day. Senator Atchison took no oath as President, and without taking such he could not exercise the office. Zachary Taylor could have taken the oath at any time after noon on March 4, 1849. No pompous inauguration is demanded; nor, indeed, is the Chief Justice needed to administer the oath. Chester A.

Arthur took the oath of office before State Judge Brady, in New York, at two o'clock in the morning. Theodore Roosevelt took the oath of office in Buffalo, before Judge Hazel of the United States Courts.

At the psychological moment when the terms of office of Polk and Dallas expired, those of Taylor and Fillmore began, although the discharge of their duties awaited their taking the oath of office. The "virtuality" of Senator Atchison is visionary, unless by some sudden death the elected officials had been removed.

Dual Executive.—A plan whereby the power which the South originally possessed might be restored through an amendment to the Constitution was put forth by Calhoun,—shortly before his death in 1850,—and provided for the election of one President from the free States and one from the slave States, thus forming a dual Executive. The consent of both was to be required to all Acts of Congress before such legislation could become laws.

Ch. XXVIII.

Chief Justice Marshall and President Jefferson.—During the trial of Aaron Burr for treason, there developed the spectacle of open antagonism between the President of the United States and the Chief Justice. This culminated in the issue by the Chief Justice to President Jefferson of a subpoena to appear and produce certain papers. The President produced the papers, but refused to appear. Marshall received a large amount of criticism, but adhered to his interpretation of treason as defined in the Constitution, and the jury rendered a verdict of not guilty under the influence of the opinion of the Chief Justice on the law in the case. Burr, however, disappeared from public view; and died in poverty and neglect in 1836.

Ch. XXVIII.

The Japanese Treaty.—The Arbitration Treaty between the United States and Japan which was signed on May 5, 1908, by Secretary Root and Baron Kogoro Takahira, the Japanese ambassador to this country, is the product of no special conditions but has been drawn in simple obedience to an agreement entered

and by the power of The Hague Peace Conference. The purpose of this was that whatever disputes among the nations are in substance the international law should be adjusted in this conference in this and have already been regulated by the great nations and several foreign powers and the extension of the law of the world to Japan seemed naturally and necessarily. No possible compromise of rights that need to be preserved is involved. Moreover the treaty is for a short period. Unless there is a renewal it will be in force only five years.

Memorial Day at Kingston, N. Y., 1908.—It will be profitable for school teachers to recall for the benefit of their pupils the career of George Clinton, who was Vice President under Jefferson and Madison. His body, exhumed from the Congressional cemetery at Washington, was reinterred on Memorial Day at Kingston, N. Y., the old capital. His Revolutionary service will serve to stir the patriotic young mind and his casting vote against rechartering the charter of the United States bank was the prelude of an exciting chapter in history. Theodore Roosevelt, as Vice President, decided a tie vote and gave the country its present policy as to the Philippines and other insular possessions.

Ch. XXVIII.

The Chicago Strike.—The employees of the Pullman Car Company of Chicago began, May 11, 1894, a strike which presently became a very formidable affair. With their sympathizers they numbered in dangerous numbers, and began efforts to prevent the use of Pullman cars by any of the railroads running out of Chicago. Their violence seemed about to stop all traffic on the roads, but President Cleveland intervened and gave the country a touch of his quality as an executive officer. Neither Governor Angell nor the Federal Courts had acted or asked for assistance in their various functions. But the President took the initiative deliberately and assumed all responsibility, on the ground that the strikers were preventing the mail service and the course of interstate commerce. The carrying of the mails and the protection of the commerce between the States were indisputable duties

of the Federal Government. United States troops were ordered to the points of disturbance, and a proclamation was issued which practically declared the disturbed regions in a state of insurrection, and threatened severe action against all rioters as against public enemies. Order was restored, and the law prevailed.

Ch. XXVIII.

Strikes and Lockouts.—The Constitution of the United States is silent upon the subject of labor; all such problems must be solved by the State. In like manner, the earlier State constitutions contain nothing about labor, because there were then no great labor organizations nor labor problems. But, in recent years, clauses pertaining to labor have been introduced into some of the constitutions. Wyoming declares: "The rights of labor shall have just protection through law calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State." Idaho and California forbid the employment of Chinese laborers upon public works, State or municipal. North Dakota declares that every citizen shall be free to obtain employment wherever possible, and forbids *black lists* between corporations. The constitution of Louisiana forbids the passage of any law fixing the wages of manual labor. Several States have attempted to protect trades unions by making it a misdemeanor to discharge an employee for belonging to a labor organization. However, statutes which interfere with the freedom of contract will not receive the support of public opinion. But the Supreme Court of the United States has decided that the law enacted in Utah, where the statute forbids men from working more than eight hours per day in the mines, is constitutional, although it practically denies freedom of contract; the ground of the decision being the fact that working in mines is a matter that properly comes under the police power of the State.

In the warfare between capital and labor, the chief weapons of the employer are the *black list* and the *lockout*; while those of the employees are the *strike* and the *boycott*. Society feels severely the results of industrial war. All parts of the country and classes of

society suffer keenly whenever a strike is declared. Many of the States have established *boards of arbitration*, before which the disputes of employers and employees may be settled. Boards of arbitration, however, must depend upon the power of public opinion to give their decisions weight, for in no State is there compulsory arbitration. Men must be protected in their right to remain out of a union when they choose to assert that right. There can be no freedom if any organization outside of the Government itself can enforce its rules upon an individual. Government, and Government only, can coerce an American citizen. Ch. XXVIII.

Inauguration Day.—At the time of the adoption of the Federal Constitution, the first Wednesday in March was set as the time for commencing operations under the new government. This day happened in 1789 to fall on the fourth of the month, and hence was it that three years later Congress decreed that each Presidential term shall begin on the fourth of March next following the day on which the votes of the Electors are counted. In accordance with this law our Presidents have ever since, with eight exceptions, been sworn into office at noon on the fourth day of March. Five times the Vice President has succeeded to the office on the death of the President. Three times has the day named by Congress fallen on Sunday, and the oath of office has been taken on the fifth of March. The first of these occasions was in 1821; the second in 1849; and the third in 1877.

The formal inauguration of the President on the fourth day of March is the outward and visible sign that the people have decided to whom they will intrust the government for the four years following the inauguration. It is the fitting ceremony which marks the arrival of the incoming President at the threshold of his term of office. Like most forms and ceremonies of the larger sort, this one is symbolic and has its deeper meaning. It is not merely the induction of a man into office; it is the formal act by which a President and his party are clothed with all the power conferred by the Constitution upon the National Government. They bring with them their policies and principles, and the

moment of their advent is always a fit one in which to consider just what the inauguration ceremony signifies in its larger aspect.

Ch. XXVIII.

New Star in the Flag.—Washington, D. C., November 16, 1907.—“A new star was added to the American flag to-day by the formal admission into the Union of the State of Oklahoma. President Roosevelt at 10:16 o'clock this morning signed the proclamation admitting the Territories of Oklahoma and Indian Territory jointly as the forty-sixth State of the Union.” The new star was not actually added to the flag until July 4, 1908.

In appending his signature to the proclamation, the President used a pen formed from a quill plucked from the wing of an American eagle. The pen has been deposited with the Historical Society of the new State.

The proclamation contains a preamble, reciting, in a number of “whereases” that Congress prescribed certain conditions for the joint statehood of Oklahoma and Indian Territory; that such conditions have been fulfilled, and that it appears that the government of the proposed State is republican in form, and in accordance with the Constitution of the United States and the Declaration of Independence. The proclamation then says:

“Therefore, I, Theodore Roosevelt, President of the United States of America, do, in accordance with the provisions of the said Act of Congress of June 16, 1906, declare and announce that the result of said election, wherein the constitution formed as aforesaid was submitted to the people of the proposed State of Oklahoma for ratification or rejection, was that the said constitution was ratified, together with a provision for State-wide prohibition, separately submitted at the said election, and that the State of Oklahoma is to be deemed admitted by Congress into the Union, under and by virtue of said Act, on an equal footing with the original States.”

The State of Oklahoma has an area of 70,057 square miles, and 1,500,000 inhabitants. The area is greater than that of New England. The population is six times as great and the wealth

fifty times that claimed by any other new State at the time of admission into the Union. The State has 6,000 miles of railroad within its borders. Oklahoma city, the largest town, had 45,000 inhabitants, when it was only fifteen years old.

Chs. XXVIII and XXXI.

Salaries of Federal Officers.—The salaries of the principal officers of the Federal Government are:

President.....	\$75,000
Vice President.....	12,000
Cabinet.....	12,000
Chief Justice of the Supreme Court.....	15,000
Associate Justices of Supreme Court.....	14,500
Judges of Circuit Courts.....	7,000
Judges of District Courts.....	6,000
Speaker of the House.....	12,000
Representatives.....	7,500
Senators.....	7,500
Foreign Ministers and Ambassadors.....	\$10,000 to 17,500
Heads of Bureaus and Divisions.....	\$3,000 to 6,000
Lieutenant General.....	11,000
Major Generals.....	7,500
Brigadier Generals.....	5,500
Colonels.....	3,500
Admiral.....	13,500
Rear Admirals.....	\$5,500 to 7,500
Captains in Navy.....	3,500

Chs. XXVIII and XXIX.

Should Cabinet Officers Have Seats in Congress?—A single clause in the Constitution of the United States implies, but does not actually designate, the Cabinet. The President (M¹) is empowered to “require the opinion in writing of the principal officer of each of the executive departments upon any of the subjects relating to the duties of their respective offices.” In many respects the Cabinet is simply a board of heads of departments. The powers of Cabinet officers in the United States are extremely

restricted. The Cabinet owes its existence to the fact that it is physically impossible for the President to attend to all the details of the Executive Department. The Cabinet officers act for him, and are responsible to him alone. They may give him advice, and therefore the President should see that his advisers are men whose opinions are worth having. He, however, is not bound to follow their advice, nor need he ask it on all occasions.

It has been said by many that the Cabinet officers should be much more than mere registers of the Executive, and that the efficiency of the Government would be much increased were the members of the Cabinet given seats in Congress. In the opinion of such commentators, the power of Cabinet officers is too restricted. The unity of government can best be secured by allowing members of the Cabinet to introduce bills, take part in debates—if not to vote, and they should be allowed, as in England, to make an appeal to the people in questions of great importance. In the constitution adopted by the Confederate States during the Civil War, Congress was authorized to grant seats upon its floor and the right to debate upon all public measures to the heads of the several executive departments, in order that the Legislative body and the Executive might act in closer harmony and easier coöperation than had been possible in the Federal Union.

But there was to be no time of peace in which a test of this new provision could be made. The Confederate Executive stood supreme at the front of action while a war for the very existence of the Confederacy lasted. Any nice balance of constitutional adjustment was out of the question. Constitutional safeguards gave way to the mere problem of making the existence of the government good upon the battlefield. The day may come when it may be recognized that these men, who had perceived this inconvenience of the Federal system, were correct in their criticism, and the attempt will again be made to make the Government more efficient by giving seats in Congress to the members of the Cabinet.

Ch. XXIX.

Merit System in the Consular Service.—The question of the

improvement of the diplomatic service abroad deserves careful and systematic consideration. It cannot be said that the consular service has been neglected during late years, for many material reforms have been instituted. Consular appointments are no longer regarded as political rewards to be handed over to persons unfitted by education, training, and habits of life for the duties intrusted to them. The merit system has been instituted, and provides a fairly effective test for persons desiring to enter the service. At the same time much still remains to be done in order to raise the character of the service, and to render it attractive to competent men. Proper legislation should place the service on a par with the army and navy as regards the permanence of positions and the conditions under which they are to be obtained. Mere transients assuming consular positions make poor officials. The service must be made worth while, and must afford opportunities such as are offered by the professions. Then there will be no difficulty in securing the right kind of men to represent this country, and care for our commercial and other interests the world over.

Ch. XXIX.

Prestige and Consulates.—In the Orient, the relative importance of a foreign nation popularly rests and depends upon the dignity surrounding the offices and residences of its official representatives. In places like Shanghai, China, it is essential that suitable buildings for the consular, judicial, postal, and other services be maintained. Where we must have courts, jails, post offices, and other things incident to a regular government establishment, it is essential that they be adequately maintained, or the prestige of the Nation will suffer. Its importance and strength will be estimated by the visible evidences of its power. Shanghai was the center of the boycott of American goods a short time ago. It is probable that the fact that the consulate building is in the least desirable part of the city, surrounded by large warehouses which make it practically impossible to see "Old Glory" from any great distance from the consulate, helped to make the boycotters think that the United States was not much of a nation,

and could be flouted with impunity. Bills have been introduced in Congress, and it is probable that some of the difficulties arising from such misconception of the relative importance of our Nation will be overcome through proper appropriations for buildings at Shanghai and other Oriental posts. Ch. XXIX.

The Life-saving Service.—Congress, stimulated thereto by the urgent recommendations of President Roosevelt, has recently increased the compensation of the persons employed in the United States Life-saving Service. There are 280 life-saving stations scattered along the thousands of miles of coast line on the Atlantic, Pacific, Gulf of Mexico, and the great lakes. During 1908, 386 vessels were involved in disaster within the field of the life-saving service's operations, of which 55 were totally lost. There were on board of these vessels 3,749 persons, of whom only 16 were lost. The value of the vessels and their cargoes was \$12,212,000, of which \$11,057,000 was saved.

In addition to this, 620 vessels with their cargoes, valued at \$5,800,000, were saved under circumstances that would have involved serious or total loss but for the assistance given by the life-saving crews, and assistance of more or less importance was given to 708 other vessels. The hardships and heroism of these men form a story too long to tell here, as do the injuries and disease incident to the service. They certainly deserved the generous action of Congress, resulting from the energetic suggestion of our youngest President. This man, who was performing the duties of his high office before he was forty-three, knows that the country can have no better method of marine insurance for life and property than that furnished by an energetic, young service which, since its institution in 1871, has had to deal with 18,411 disasters in which 127,395 persons were involved and only 1,194 lost, the total value of the property at stake being \$265,046,000, of which no less than \$211,124,000 was saved. Ch. XXIX.

Pensions.—The Federal Government has no charitable functions. The homes for its worn-out sailors and soldiers are maintained as just payment of a debt to those who have served in its

wars. The same is true of the sums expended in the form of pensions. By an Act approved February 6, 1907, a pension is provided for all veterans of the Mexican and Civil Wars who have reached the age of sixty-two years, irrespective of physical disability. On June 30, 1908, there were 951,687 pensioners on the rolls. To that date the total disbursements for pensions for all wars and for the regular establishment amounted to \$3,691,230,634. There are still two daughters of Revolutionary soldiers on the pension rolls. The last survivor of the Revolutionary War was Daniel F. Bakeman, who died April 5, 1869, aged 109 years. The last surviving widow of a Revolutionary soldier was Esther S. Damon, who died November 11, 1906, aged 92 years. The last survivor of the War of 1812 who was on the pension rolls was Hiram Cronk, who died May 13, 1905, aged 105 years. There were in 1908 still over 450 widows who were pensioners of the War of 1812.

Ch. XXIX.

Manufactures in the United States.—Fifteen billion of dollars (\$15,000,000,000) represents the value of the annual production of manufactures in the United States, according to the report of the Chief of the Bureau of Manufactures in 1908. The figures do not represent the value of the finished products entirely, but include products in various stages of progress. The aggregate value of domestic merchandise exported was \$1,861,000,000.

Ch. XXIX.

In Honor of Lincoln.—On August 2, 1909, the new "Lincoln" cents ordered struck off in commemoration of the one hundredth anniversary of the late President's birth were issued from the mint in Philadelphia.

The head of Lincoln, which appears on the coins, was designed by Brenner from a photograph in the possession of Charles Eliot Norton. The artist makes the face relaxed and smiling, seeking to express Lincoln's face when he was talking with children.

The artist, Victor D. Brenner, a young Russian, came as a boy to this country, sold matches on the streets and studied at night at Cooper Institute in New York. He saved enough money

to continue his studies in Paris. Returning, he opened a studio in this country, where he has won great distinction as a medalist. The coins as originally issued contained the artist's initials "V. D. B." on the reverse side. Owing to criticism, however, new dies were prepared in which the letters were removed.

The idea of changing the design of the one-cent piece from the "Indian head" so familiar to all originated with President Roosevelt. He had seen the artist's portrait of Lincoln in low relief, and, admiring it greatly, proposed that the portrait should be adapted for use on this coin as one way of observing the Lincoln centenary.

The entire first issue of \$150,000 worth of new pennies went promptly into circulation, the amount having been apportioned among the subtreasuries and in turn sent out to various banks. In every city there was an urgent demand for the new coins. There was a long line of people at the subtreasury in New York before the doors opened on August 2, anxious to get possession of them. Coin collectors were eager to get a supply in anticipation of the destruction of the dies. It is not likely that the coins will ever command much of a premium, because of the large number made and now in circulation. Artistically the Lincoln cent is a beautiful coin. Ch. XXIX.

United States Commissioners.—The committing magistrates of the Federal District Courts are the United States commissioners appointed by each district judge in various parts of his district. Persons arrested for crimes against the United States are brought before these commissioners, and if the evidence warrants holding the prisoners for court, they are sent to jail or admitted to bail until they can be brought to trial. These commissioners occupy a relative position in the Federal judicial system similar to that of the petty courts of the judiciaries of the several States. Commissioners are appointed by the judges of the District Courts, and in such numbers as the courts may consider necessary to the transaction of the business, and to the performance of the duties imposed. The appointment of a commissioner must be recorded

in the court, and the Attorney-General be notified. Commissioners hold office during four years, but are subject to removal at any time by the court. They are paid by fees which are prescribed by law. They are authorized to administer oaths and to issue warrants for offenses against the United States, to cause offenders to be arrested and imprisoned or bailed for trial, and to order the removal of offenders to other districts. Complaints of the violation of the Chinese exclusion law are heard before United States commissioners, and the commissioner before whom the complaint shall be heard is designated by the United States District Attorney for the district. Ch. XXX.

Distribution of Powers.—Certain powers belong exclusively to the Federal Government, and are so given by the Constitution. Thus the framers of that instrument gave to the central government absolute control over the following matters:—war, peace, treaties, alliances, ambassadors, postal affairs, the army and navy, foreign commerce, interstate commerce, naturalization, coinage of money, Indian affairs, patents, copyrights, bankruptcy, Territories, letters of marque and reprisal.

By an amendment adopted in 1791 (Am. 10), it was declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

But if the Federal Government and the State governments are to work in harmony, certain powers must not be given exclusively to either, but powers of the same kind must be granted to both. Powers belonging to both governments are called *concurrent*. Those established by the Constitution relate to the following matters:—taxation, public debt, citizenship, suffrage, elections, militia, and eminent domain.

In order to safeguard the interests of the States, certain powers were formally prohibited to the Federal Government. Thus the first eight amendments restrain the Federal Government but do not restrain the States. Certain powers are denied to the Federal Government in Article I, Section 9 (J).

The framers of the Constitution saw also that certain limitations upon the power of the States would be valuable. As a pledge of good faith on the part of the States, a self-denying section, Article I, Section 10, was inserted (K).

As will be seen, there are three prohibitions upon both State and Federal governments: neither a State nor the United States can grant any title of nobility (J³, K¹); or pass an *ex post facto* law (J³, K¹); or pass any bill of attainder (J³, K¹). These cannot possibly be done by any existing governmental agency.

Ch. XXXI.

Panama Canal.—This great canal will extend across the Isthmus of Panama from Colon, on the Atlantic coast, to Panama, on the Pacific. From a National point of view the completion of this canal will be invaluable, as it will give water communication between the coasts of the two great oceans, and will place our island possessions, in point of communication, several thousand miles nearer the seat of government than they now are. Mahan, a distinguished naval officer, says that the Isthmus, with all that depends upon it,—its canal and its approaches on either hand,—will link the eastern side of the American continent to the western as no network of land communications ever can. The United States has already asserted a special interest in it; and in the present she can maintain her claim, and in the future perform her duty, only by the creation of sea power sufficient to hold predominance in the Caribbean Sea. The logical outcome of the broadening and tightening hold upon the sentiment of American democracy of that principle known as the Monroe Doctrine is the rehabilitation of the Nation as a great sea power, notwithstanding the opposition of those who wish peace without paying the price which alone has ever insured peace,—readiness for war.

The action of President Roosevelt, in recognizing the independence of the Republic of Panama November 13, 1903, when he received its minister, has led to very important relations. A treaty between the United States and the Republic of Panama,

in effect February 26, 1904, provides for the cession by Panama of a strip of territory ten miles in width extending to the distance of five miles on each side of the central line of the route of the Panama Canal. This grant does not, however, include the cities of Panama and Colon, although they are within these boundaries. The United States controls all islands within the zone, and four small islands in the Bay of Panama.

Since the putting forth of the Monroe Doctrine, Americans have insisted upon control of an Isthmian Canal, whether at Nicaragua or at Panama. International questions have often been raised, and several generations have waited to see what is now being witnessed. At Paris, on April 22, 1904, the Panama Canal Company transferred its rights to the United States in consideration of \$40,000,000 paid by warrant of the Secretary of the Treasury. The Republic of Panama received \$10,000,000.

The work on the Panama Canal is making fair progress, and the entire expenditures to June 30, 1908, amount to \$139,387,649. Colonel George W. Goethals, Chairman of the Canal Commission, says that the Panama Canal will be open for business January 1, 1915. Ch. XXXI.

Nullification and Secession.—Nullification is the refusal of a State to permit an act of Congress to be carried out within the limits of that State. The so-called right is based upon the theory that the Constitution is a simple compact between the States. The assumption is made that each State has the right to determine for itself when an enactment of the general government is to be declared null and void. The right of secession is a kindred claim. The proclamation by President Jackson destroyed nullification, and secession died amid the terrors of civil war. The Constitution in all its aspects looks to an indestructible Union of indestructible States. Appomattox was a blessing to both North and South. It was there decided that there were not to be two republics, nor a dozen, between the Great Lakes and the Rio Grande. For this result, as well as for the extinction of

slavery, all Americans, north as well as south of the Mason and Dixon line, may now give thanks. Ch. XXXI.

Dred Scott Decision.—This celebrated decision was delivered by the Supreme Court of the United States in 1857 in the case of Scott, a negro slave living in the State of Missouri. His master took him to Illinois, and, after residing there for two years, removed to Minnesota—then a part of Upper Louisiana—one of the Territories. Two years later (1838), Scott's owner took him back to Missouri and sold him. Scott brought suit in the courts, and endeavored to obtain his liberty on the ground that his residence in free State and Territory had destroyed his master's rights over him. In course of appeal, the case reached the Supreme Court of the United States. The question at issue was mainly one of jurisdiction. "Was Dred Scott a citizen within the meaning of the Constitution; had he any rightful standing in the courts?" To this question the Court returned a decided negative. Chief Justice Taney declared that according to the public opinion which prevailed at the time of the Declaration and when the Constitution was adopted, negroes "had no rights which the white man was bound to respect." "It is absolutely certain," said he, "that the African race were not included under the name of citizens of a State by the framers of the Constitution." "Dred Scott was not a citizen of Missouri within the meaning of the Constitution, and was not as such entitled to sue in its courts." The legislation known as the Missouri Compromise, whereby citizens were prohibited from holding and owning slaves in the Territory of the United States north of the line $36^{\circ} 30'$, was declared unconstitutional and void. "Therefore neither Dred Scott nor any of his family—his wife nor his daughters—were made free by being carried into this Territory; even if they had been carried there with the idea of becoming permanent residents." But the abolition of slavery by the Thirteenth Amendment to the Constitution, ratified and adopted December 18, 1865, has put an end forever to such discussions. Ch. XXXII.

Contraband of War.—When two nations are at war, their war-

ships may seize the private ships of friendly nations when caught carrying such goods to the ports of the enemy as would help to continue the war. Such articles are called "contraband of war," and include arms and ammunition. In May, 1861, three negroes escaped from work on the Confederate lines, and made their way over to the Federal lines at Fortress Monroe. General Butler, before whom they were brought, said, "These men are contraband of war: set them at work." Hence arose the name *contrabands* often applied to negroes received within the Union lines throughout the great civil conflict. Ch. XXXII.

Principles of Maritime War.—The declaration of principles regarding the law of maritime war, agreed upon by the Conference of ten of the principal maritime nations of the world held in London during 1909, and known as the International Naval Conference, was made public at the State Department February 26. On the question of contraband, the Conference adopted three classifications, viz.: absolute, conditional, and not contraband. Probably the most interesting features, from the American standpoint, are the declarations regarding what constitutes conditional contraband and what is free of contraband. Conditional contraband includes food supplies, clothing, gold, silver, fuel and other merchandise ordinarily exempt from seizure, but which would subject the ship to seizure if destined for military or naval use by garrisons or fleets. Articles free of contraband are raw cotton and wool for textile industries, india-rubber, hides, ores, earths, clays, and fertilizers. Absolute contraband includes powder, arms, and military equipment of all kinds.

The principles enunciated in the declaration are to act as a guide for the government of the International Prize Court to be established at The Hague. They are regarded as of great importance, and mark a decided step forward in the establishment of a code for naval warfare. The American delegates were satisfied with the code, which contains much that will prove of great advantage to American commerce in time of war.

One of the articles provides that any person belonging to the

armed forces of the enemy and found on board a neutral war vessel, may be made a prisoner of war even if there be no ground for seizing the vessel. This principle conforms to the attitude taken at first by the United States in the famous Mason and Slidell case during the Civil War, when these men were taken from the British steamer *Trent* by Captain Wilkes of the *San Jacinto*.

To meet the situation arising during the Russian-Japanese war, when neutral vessels were seized by the Russians and sunk on the high seas because the latter had no near-by ports to which to take them, the Conference declared that a neutral vessel which has been seized cannot be destroyed by the captor, but must be conducted into the proper port in order that the validity of the capture may be decided.

The transfer of a hostile vessel to a neutral flag, when it takes place before the beginning of hostilities, shall be valid unless it be proven that the transfer was made for the purpose of escaping the consequences which would have followed because the vessel belonged to the enemy.

The essence of the declaration on blockade is that it must be confined to the ports and coasts belonging to or occupied by the enemy and that the blockade to be binding must be effective. The Anglo-American doctrine of notice of blockade was adopted as against the continental. This is, that notice through diplomatic channels of the establishment of such blockade is sufficient.

Ch. XXXII.

Wilmot Proviso.—In the village graveyard near the town of his old home in Towanda, Pa., a modest marble headstone marks the final resting place of one of Pennsylvania's most able and heroic sons. On the inner face of the stone may be seen the date of his birth and death; and on the outer face, that may be seen from the road as one passes by, we find the simple text of the Wilmot Proviso:—

“*Provided*, that neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.”

When in August, 1846, Congress had under consideration the appropriation of two millions "for the settlement of the boundary question with Mexico," this amendment passed the House, but failed in the Senate with the money vote itself. But the question raised could not be put out of sight, and at last was settled only in the throes of the Civil War. Ch. XXXII.

The Civil War and Its Issues.—The two main issues of the Civil War were the doctrine of Slavery and that of State Rights. Opposition to the supremacy of the National Government led to the secession of South Carolina and other States in 1860-61. The famous Ordinance of 1787 came in time to place bounds upon slavery in this country, and was one of the agencies which finally led to its abolition. It was passed when the western boundary of the United States was the Mississippi river, when Florida was Spanish territory, and the lands west of the Mississippi had been sold by France to Spain. The act virtually divided freedom and slavery by a geographical line—the Ohio river and the Mason and Dixon Line. In 1787, slavery had almost disappeared north of that line. The efforts to keep the two sections of the country balancing on the parallel $36^{\circ} 30'$ date from the passage of the Ordinance, and were continued until 1850. The Missouri Compromise of 1820 gave temporary harmony; but slavery was becoming a National question in which proslavery men wished to extend slavery over the United States, while antislavery men wished to abolish it. Soon after the Mexican War, the question of the right of Congress to prohibit slavery in the Territories became a National issue. Until 1857, eighteen new States had been admitted into the Union—nine with constitutions permitting, and nine forbidding slavery. When the Territory of Kansas was ready for admission as a State, its people could not agree upon the question of slavery. The Supreme Court decided, in the famous Dred Scott case, that the Missouri Compromise was unconstitutional, and that Congress had no power to exclude slavery from the Territories. But this decision could not settle the slavery question. The struggle in Kansas forced on the inevitable contest which

determined "whether this Nation could exist half slave and half free." Secession followed, and the formation of the Southern Confederacy was accomplished. President Lincoln, recognizing that the struggle was essentially between freedom and slavery, issued the Emancipation Proclamation to be effective January 1, 1863. Slavery was afterward abolished in all the States and Territories by the ratification of the Thirteenth Amendment.

No formal declaration of war was made by President Lincoln; but the call for troops to get repossession of the property and fortresses seized by the Confederates, was an effectual declaration of war against Jefferson Davis and his sympathizers. When public opinion rises sure and firm and strong, no material force on this earth can stop it. It may be held in check for a week, a year, a decade, a century. It may even be turned from its channel. Yet money cannot hold it; cunning cannot baffle it; the roar of battle and the strife of armies cannot restrain it. For it is God moving among men.

Famous Dispatch.—In executive matters, when prompt action is needed, there is a great difference between being in a position where one can act and where one can only advise. Yet General John A. Dix came to the front when he sent to a Treasury official at New Orleans that dispatch which thrilled each Northern heart: "If any man attempts to haul down the American flag, shoot him on the spot." Chs. XVIII and XXXII.

Slavery Abolished in the District of Columbia.—Slavery was abolished in the District of Columbia when President Lincoln approved, April 16, 1862, the Act of Congress passed by the Senate by 26 to 6, and by the House 92 to 38. A bill prohibiting slavery in the Territories was passed June 19; and a bill giving freedom to escaped slaves of rebellious masters was passed July 17, 1862.

Ch. XXXII.

Lincoln's Views on Reconstruction.—On April 11, 1865, before a great multitude gathered about the White House, congratulating him upon the sure prospect of peace, he said these words,—his last public utterance:

Am. Cit.—28

"We all agree that the seceded States, so-called, are out of their proper practical relation with the Union, and that the sole object of the Government, civil and military, in regard to these States is to again get them into the proper practical relation. It is easier to do this without deciding or even considering whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad." Ch. XXXII.

A Southern View of the Limitation of Negro Suffrage.—Connecticut, Massachusetts, New Hampshire, and Wyoming require an educational qualification of voters. A similar limitation in Alabama, Louisiana, Mississippi, South Carolina, and Virginia eliminates a large illiterate negro vote. Of the negro males of voting age in Alabama, 59.5 per cent are illiterate; in Louisiana, 61.3 per cent; in Mississippi, 53.2 per cent; in South Carolina, 54.7 per cent; and in Virginia, 52.5 per cent. This is more than one half the negro vote of these States. The laws of the Southern States above mentioned provide for an Australian ballot, payment of taxes, registration in advance of election, together with the educational or property qualification. Of the negroes who are not disqualified through the educational qualification, a great many become disqualified through failure to pay their taxes. Others will not think to register several months before the election, and will not pay their poll tax in February so that they may qualify themselves to vote in November. Neither is it possible nor desirable to control such votes by paying the taxes for the voters.

Certain clauses in the constitutions of these States have led to much discussion. Among them the "grandfather clause" of Alabama and Louisiana, the "ex-soldier clause" of Virginia, and the "understanding clause" of Mississippi are clauses of enfranchisement and not disfranchisement. They were intended to grant suffrage to many citizens and law-abiding men who were unable to read and write. In Louisiana any male person who was a voter in any State of the Union on January 1, 1867, or the son or grandson of any such person, might register prior to Septem-

ber 1, 1898, and thereby become a voter. Of course no negro could qualify under this clause. The "grandfather clause" of Alabama has practically the same operation. And such was evidently the intention of the "ex-soldier clause" of the constitution of Virginia, although it applies to Federal veterans, as well as to Confederate. The "understanding clause" of Mississippi qualifies persons of good intelligence, who can understand any section of the State constitution and give a reasonable interpretation thereof, even though the applicant shall be unable to read and write. It should be borne in mind that all these requirements apply equally to both white and black. The son of the richest planter and the son of the humblest negro must enter the voting-booth by precisely the same door, as open to one as to another. Perhaps the salvation of the South lies in the fact that the white man will qualify himself under this law and the negro will not. The negro cannot bear up in a losing fight. He has come to recognize that, "On whatsoever land the Anglo-Saxon plants his foot, of that land he is master or there he finds his grave." The whole world knows that, and the lesson will never be unlearned. It may be noted in this connection that ex-Premier Balfour's recently expressed views with regard to white supremacy in South Africa stand out for this same idea as firmly as does the "grandfather clause" in the constitution of any of our Southern States.

Industrial Education of the Negro.—As an outgrowth of the above mentioned reactionary manifestations in regard to the political privileges of the negro, there is now a strong disposition among the true friends of the blacks to emphasize the constructive work and to encourage all efforts toward the uplift of the race. Protest has been made against all backward steps, either in industry or in politics. What the negro needs is industrial and moral training. Agricultural and technical schools for negro youth must be established and home life and farm life promoted among the black population of the South. And above all these efforts there must be sympathy, help, and knowledge. Ch. XXXII.

Return of the "Fighting Tenth" Cavalry.—The regiment

of colored troopers which came to the relief of the "Rough Riders" at San Juan Hill, after several years of service in the Philippines, landed in New York on July 26, 1909, for the first time since the Spanish-American War. Their progress of eight miles through the city was marked by a continuous ovation. The horses of the regiment were left in the islands, so that the parade was made on foot. Mayor McClellan and President McGowan of the board of aldermen reviewed the march from the steps of the City Hall. All lovers of the equal rights of man will rejoice in the cordial reception accorded to the veteran Tenth Regiment United States Cavalry. The grandfathers and grandmothers of these cavalrymen were slaves, with no rights that the white man was bound to respect. Well worth seeing were these square-shouldered troopers, proud of themselves and their service, proud of their officers, proud of their flag and their country as all good citizens should be. Forty-six years lie between the draft riots in the great city and the crowds of applauding people who welcomed those veteran troops who had proved at San Juan their willingness to die for their country. It means much for the progress of the negroes in the United States that they have produced such a regiment with such a record. Men are beginning to have a better understanding than they once had of Lincoln's immortal words: "And there will be some black men who can remember that with silent tongue and clenched teeth and steady eye and well-poised bayonet they have helped mankind on to this great consummation." Ch. XXXII.

Shaw Memorial by St. Gaudens: Civic Courage.—"You have immortalized my native city; you have immortalized my dear son; you have immortalized yourself." Such were the words of the mother of Colonel Robert Gould Shaw to the great sculptor, when on Memorial Day in Boston, a masterpiece of modern art was unveiled (1897).

It is not often that those whom the world esteems the most successful or the greatest leave the most valuable examples and lessons to posterity. It is rather the man whose life or death touches some deep chord of universal sympathy,—appeals to the

imagination or the sentiment of all mankind. When far greater soldiers are forgotten, the memory of this gallant youth will still be cherished. He fell "with his hurts before" leading a hopeless charge, blazing the path of freedom for a race in bondage. This is the kind of courage to which monuments should be erected. *Civic courage* led him bravely to give up his commission, as he marched with the glorious Seventh Regiment, and assume the leadership and head the dubious fortunes of the negroes of the Fifty-fourth. His was not the common and gregarious courage which men might show as they stormed a battery side by side with others. Civic courage in Colonel Shaw led him to resist prejudice and enthroned abuse of a race.

"A pæan not a knell,
For heroes dying so!
Not weighing gain with loss—
World-losers, that win all
Obeying Duty's call!"

Ch. XXXII.

"Father of the Constitution."—James Madison, the fourth President of the United States, was born at Port Conway, Va., in 1751. In the Constitutional Convention of 1787 he was a leading figure,—the man who did most to bring harmony out of the sharp differences of plans and opinions that were manifested in that famous Federal Convention. He was but thirty-six years of age, yet his political experience was wide, since he had seen service in the Legislature of Virginia and in Congress, where he had learned to know thoroughly the difficulties of the Confederation. A devoted student of history and thus thoroughly acquainted with political science, he united such knowledge and experience with a remarkable firmness of purpose. A certain kindness and sweetness of manner commended his views to all his fellow-members. Madison was, therefore, the most influential of the members in giving to the Constitution the form in which it was finally adopted. Throughout the discussions,—in which he

took part more than fifty times,—he strongly advocated a National Government, well knit, forceful, and empowered to carry out its just authority. In all the war of opinions, in his quiet and sagacious way, he often suggested some middle course. In the end he had done such efficient work that he justly won the title “Father of the Constitution.” As a contributor to *The Federalist*, with Jay and Hamilton, he did much to secure the ratification of the Constitution by the States, especially New York and Virginia. When Jefferson became President in 1801, Madison was called to the position of Secretary of State. In 1809 he was chosen President, and at the close of his term retired to his estate at Montpelier, Va., where he maintained a strong influence upon his party and political events in general. His wife, familiarly called “Dolly Madison,” was perhaps the most popular mistress that the White House has ever known. Ch. XXXII.

Adoption of the Constitution.—The banner State in the matter of the adoption of the Federal Constitution was *Delaware*. A unanimous vote of the convention held for the purpose gave the voice of this little State for the great instrument of government, December 6, 1787.

James Wilson, a member of the Federal Convention, explained the Constitution to the members of the State convention of *Pennsylvania*. Washington pronounced James Wilson as honest, candid, and able a member as the Federal Convention contained. His speeches in the State convention form a most interesting and able commentary upon the Constitution. Chief Justice McKean was also a prominent advocate of the adoption of the Federal Constitution, and declared it to be the best the world had yet seen. The chief opposition to the adoption of the new system came from the portion of the State west of the Susquehanna. The ratification was given December 12, 1787, by a vote of 46 to 23.

The convention of the State of *New Jersey* adopted the Constitution by a unanimous vote December 18, 1787. *Georgia* followed with a like unanimity of vote January 2, 1788.

Connecticut was the fifth in the order of adoption. The most prominent advocate of the Federal Constitution in that State was Oliver Ellsworth. The Constitution was adopted by a large majority January 9, 1788.

In *Massachusetts*, the opposition was strong in numbers and in talent, but the influence of John Hancock was used to conciliate the opposition. It was proposed that the *Constitution* should be unconditionally adopted, and that certain *amendments* should be earnestly recommended. On February 6, 1788, the adoption was carried by a majority of nineteen. The wise plan adopted in this State saved the Constitution.

Maryland adopted the Constitution April 26, 1788, after an unsuccessful attempt of the opposition at adjournment of the convention. In *South Carolina* the influence of the Pinckneys and the Rutledges prevailed, and a convention was called which adopted the Constitution May 23, 1788. *New Hampshire*, after delays caused by adjournment and reassembling of the State convention, at last adopted the instrument of government June 21, 1788.

The opposition in *Virginia* was very strong, and was led by Patrick Henry. He claimed that the new government was not a compact between sovereign States, but a National Government. Speaking of the preamble he said: "Who authorized them to speak the language of '*We the people*,' instead of '*We the States*'?" Madison, Marshall, Randolph, and others answered these objections effectively. After long continued debates, the Constitution was adopted by the convention, June 25, 1788.

In *New York*, two thirds of the members of the convention were opposed to the Constitution. At last through the efforts of Hamilton, Livingston, and Jay, the Constitution was adopted July 26, 1788, by a vote of 30 to 27.

The Constitution was thus ratified by eleven States. When the ratification of nine States had been received by the Congress of the Confederation, an Act putting the Constitution into effect was reported and passed. Elections for the new government were

directed to be held in January, 1789, the Presidential Electors were to meet on the first Wednesday in February, and the first Wednesday in March, 1789, was designated as the time for commencing proceedings under the Constitution.

The Constitution was rejected at first by *Rhode Island* and *North Carolina*. The latter State finally ratified the Constitution November 21, 1789. *Rhode Island* remained out of the Union until May 29, 1790.

The history of the Constitution shows that it was designed to form a National Government, and that it was ordained and established by the *People* of the United States. Hence, in the words of Washington's "Farewell Address": "*Until changed by an explicit and authentic act of the whole, it is sacredly obligatory upon all.*"

Ch. XXXII.

Assumption of the State Debts and Location of the National Capital.—Two distinctly sectional acts of legislation were settled by a compromise which practically set off against each other the location of the National capital on the Potomac river, and the assumption of the State debts by the National Government. In due course of time the President selected the present site at Washington, D. C., and State debts amounting to \$21,000,000 were assumed by the Federal Government. It is said that Hamilton, as a Northern man, appealed to Jefferson, over whose dining table an agreement was reached that the Virginia members would vote for the assumption of the debts, if Hamilton would find the votes necessary to fix the National capital on the Potomac. By such compromise—it would be called "a deal" to-day—both measures were passed.

By a proclamation issued March 30, 1791, Washington announced that the Federal District had been located. The original cession was ten miles square, lying on both sides of the Potomac, about two thirds being in Maryland and the remainder in Virginia. The portion lying in Virginia has since been restored to that State.

Ch. XXXII.

Historical Order of the Executive Departments.—The first

executive department to be established was the Department of State—called at first the Department of Foreign Affairs. President Washington appointed Thomas Jefferson to this office in 1789.

An effort was made by Congress to make the head of the Treasury Department an agent of the Legislative branch of government, rather than an officer under the President. The difficulty, however, was overcome, and Alexander Hamilton became the first Secretary of the Treasury in 1789.

The War Department was also established in 1789 when General Henry Knox, who had been head of the army, was called to the position of Secretary of War.

In the same year the President appointed Edmund Randolph Attorney-General of the United States. Washington also called Samuel Osgood to the office of Postmaster-General in 1789, but the incumbent of this office was not considered a member of the Cabinet until 1829.

The Navy Department was established in 1798, and President John Adams called Benjamin Stoddert to the position.

Half a century afterwards, in 1849, on the establishment of the Department of the Interior, President Taylor appointed Thomas Ewing to the position of Secretary of the Interior.

The first Secretary of Agriculture, Norman J. Colman, was appointed by President Cleveland in 1889. The latest Cabinet position to be instituted is that of Secretary of Commerce and Labor. In 1903 George B. Cortelyou was appointed to this Cabinet office by President Roosevelt.

Ch. XXXII.

The National Capitol.—The corner stone of the Capitol was laid in 1793. The wings were first completed, and about \$750,000 had been expended upon the building when it was partially destroyed by the British in 1814. Four years afterwards the work on the central part was begun, and improvements have been made until now it is one of the stateliest and most harmonious buildings in the world. Built of white marble, on a hill overlooking the city, it stands, indeed, as a beautiful and impressive structure.

It is 751 feet long, 350 feet wide, and is surmounted by a dome 287 feet above the base, crowned by a figure of Liberty, twenty feet high. The original dome was of wood, covered with copper, but in 1856 the present structure of iron was begun. All through the Civil War the work on the dome steadily progressed, and in 1865 the structure was completed. Ch. XXXII.

Income Tax Amendment.—The pending Constitutional amendment empowers the Federal Government to impose a tax on incomes, from whatever source derived, without apportioning the same according to population.

The amendment which Congress has asked all the States to vote upon in their Legislatures is as follows:

“That Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.”

Which means, briefly, the income tax.

By an interpretation made in Congress in 1868 it is held that if a State once votes to accept an amendment, such action is final; but that the measure may be brought up again, even before a subsequent Legislature, if it fails the first time. Nothing but ratification forecloses the right of action. But even in case no more than eleven States vote against the amendment, the income tax will not be secure. With the amendment made a part of the supreme law of the land, a bill must be enacted by Congress in order to make the income tax amendment effective.

It will be remembered that an income tax law went into effect June 1, 1895, and later was declared unconstitutional by the Supreme Court under circumstances which caused much severe criticism of that body. Since the new amendment was sent out to the States for ratification (1909) after passing the United States Senate unanimously and receiving all but fourteen votes in the House of Representatives, the subject has been under discussion. At the moment of writing (1911), thirty States have ratified it while eleven have refused ratification.

The income tax seems defeated for the present, but it is likely that its ratification is only deferred. The admission of New Mexico and Arizona will change the situation very little. With forty-eight States, the ratification of thirty-six will be required; the adverse vote of twelve legislative chambers out of ninety-six could still defeat the amendment.

Whenever it becomes as easy to amend our Constitution as it is in some countries, then revolutions will become as common with us as with them. Ch. XXXII.

Religious Liberty.—No one should refuse to vote for any thoroughly upright and fit man because of his religion. Some feel the necessity of opposing this man's Unitarianism, others that man's Catholicism. But we need have no fears on such matters so long as a recent speaker, while upholding the loyalty of the Catholic church, could declare that, if need be, every priest in this country would melt the sacred vessels of the altar to provide for the defense of our flag. Ch. XXXII.

The Office of Vice President.—The Constitutional Convention of 1787 had been in session more than four months before anybody thought of the office of the second officer of the Government. When the Committee of Eleven, on September 4, suggested the novel idea of the Vice Presidency, Mason of Virginia declared that it was "an unnecessary office." The desire for it grew out of the fear of the smaller States that the larger States would have an advantage over them in the new government then under consideration. Thrust into our governmental mechanism by little States for little reasons, this "fifth wheel" has been a source of annoyance and danger ever since. No provision has ever been made for succession to the office of Vice President, although on occasion the duties of the office are assumed by the President *pro tempore* of the Senate. The difficulty which arose in 1801 through the equality of the votes for Jefferson and Burr was a sure demonstration of the danger due to the plan of voting for both President and Vice President upon one ballot. The duty of electing a President devolved upon the House of Repre-

sentatives. The balloting continued in the House from February 11 to February 17, 1801, and, upon the thirty-sixth ballot, the Speaker declared that the votes of ten States had been given to Thomas Jefferson, who was thus chosen President by the House of Representatives. Aaron Burr became Vice President by the vote of the Electors—after Jefferson had been chosen President—and not by the vote of the Senate. The certificate which the Senate directed its president to sign set forth that Jefferson and Burr had each received the same number of Electoral votes; but that Jefferson had been elected President by the House of Representatives. It stated in conclusion: "By all of which it appears that Aaron Burr, Esq., of New York, is duly elected Vice President of the United States of America."

As early as January 6, 1797, an amendment had been offered in the House of Representatives requiring Electors to distinguish in their ballots between candidates for the Presidency and the Vice Presidency. Nothing resulted from this and similar proposed amendments until the country was taught its necessity by the actual peril of 1801. The Twelfth Amendment (1804) changed the method of choosing the Vice President, but has developed further complications which set forth this weak link in the chain of our government.

The political convention, which has now become an American institution, was unknown to the framers of the Constitution. In such conventions, the Vice President is now nominated to conciliate the unsuccessful minority of the party. In one or two cases the political "bosses" have used the office to obstruct the career of a strong and popular man, since it seems to have become an accepted fact that no Vice President can ever be President except by the death of the President. The attempt to harmonize the party puts in the office of Vice President a man who will certainly reverse the policy of his predecessor, and it is nothing more than human nature that he should do so. He does not believe in the policies of the President, and was nominated by the opponents of the majority. Thus the death of the President may

suddenly change the designs of a great people and the very course of the Nation's progress.

It is plain that the best way to strengthen the chain of government would be to abolish the office of Vice President, but such amendments are quite out of the question and are virtually impossible. The Federal Constitution has for a century resisted *peaceful* alteration, and, with the increase in the number of States, its rigidity becomes greater.

It has been suggested, also, that the powers of the Vice President should be enlarged either from an executive or a legislative point of view.

While it may not be practical to talk of meeting such questions through an Amendment to the Constitution, it is certainly true that such is the only way to dispose of them fairly and squarely. "It is a very dangerous practice," said Pinckney in the Senate in 1800, "to endeavor to amend the Constitution by making laws for the purpose."

Chs. XXVIII and XXXII.

QUESTIONS

What is said concerning the advantages of coördination in history and civics? Discuss any topic in civics mentioned in a recent newspaper or other periodical.

In determining the qualifications of the voter, what two aims are apparent?

Has the State the right to teach morals in the public schools? May the teaching be based wholly or in part upon Biblical Ethics?

What were the three forms of government in the colonies at the time of the Declaration of Independence?

Under what circumstances does Congress become a "city council"?

What does one loyal educator in our State say concerning the present school system?

What is said about the conservation of our forests? What was Penn's ordinance concerning forests?

Discuss the topics: "Equity," "Injunctions."

Should the President be elected by popular vote?

What is the relation of residents of Washington, D. C., in regard to election privileges?

What is meant by the term "minority representation"? Compare it with cumulative voting and the limited vote used in Pennsylvania.

What is the initiative? What is the referendum?

To what extent is the initiative and referendum in use in the United States? Give some recent examples of such voting.

What are some of the arguments in favor of the direct vote?

What is the *recall*?

Who gave the loose construction of the Constitution its broadest interpretation?

What does Governor Hughes of New York say about direct nominations?

What is the single tax?

What provision does the Federal Constitution make for the establishment and maintenance of a school system?

State some of the important clauses of the Magna Charta.

What is meant by the term "counting a quorum"?

What is the manner of organization of the House of Representatives?

What section of the Federal Constitution expressly requires that when a bill is passed over the President's veto, the vote shall be taken by yeas and nays?

What is the meaning of the expression "Senatorial courtesy"?

Has the government of the United States the right to become the owner of the railroad and telegraph lines of the country?

What remedies have been proposed for the evils connected with trusts?

The law of 1792 says: "Every fifteen pounds weight of pure silver shall have equal value in all payments with one pound of pure gold." Why not 16 to 1 or 20 to 1?

If you are worth your weight in gold, how many dollars are you worth?

For what amount may a National bank issue bank notes?

How does the Library of Congress compare with other great libraries?

What powers of a creative nature has the Congress of the United States? When was the Court of Claims established?

Which amendment was submitted to President Lincoln for his approval?

What has been the example of the United States in respect to arbitration?

Where are the officers of the army educated? Of the navy?

When was the National flag adopted?

Explain definitely what is meant by the "Monroe Doctrine."

What was the cause of the war between the United States and Spain?

What was gained in this war by the United States?

Make an expansion map of the United States, marking and dating the several purchases and cessions.

What Chief Justice of the United States has been called "a second author of the Constitution"? Why? How does he define *implied* powers?

When did Lincoln suspend the writ of *habeas corpus*?

Describe the joint meeting of the houses of Congress to canvass the Presidential vote.

What was the great issue of the last Presidential campaign? What is likely to be the issue of the next campaign?

What are the chief weapons in the strife between capital and labor? What is a board of arbitration?

In what way have the States attempted to settle labor disputes?

Upon what ground did President Cleveland intervene in the Chicago strike of 1894?

State some facts concerning the inauguration of the President. What may be said of this ceremony?

What is the Constitutional provision for admitting new States? How may a State be admitted into the Union?

What was the Ordinance of 1787?

Name some advantages which lead the people living in a Territory to desire Statehood for their section of the country.

What change should be instituted in regard to our consular properties in the Orient?

Who are the committing magistrates of the Federal District Courts? How are they appointed? What are their duties?

Describe the Panama Canal. When will it be open for business?

Define *nullification*. Upon what theory is the so-called right based? What is the right of *secession*? How were these questions settled?

Give an account of any famous decision made by the Supreme Court of the United States.

What is the meaning of the term "contraband of war"?

What are the principles of maritime war?

What is the relation of the Thirteenth Amendment to the Wilmot Proviso and the Ordinance of 1787?

What change did the Fourteenth Amendment make in the character of citizenship in the United States?

Is the approval of the President necessary in the case of an amendment to the Constitution? To what legislative actions besides bills is the approval of the President necessary?

What were Lincoln's views on reconstruction?

Give the Southern view of the limitation of negro suffrage.

What do you regard as the right view?

Give reasons for and against an educational qualification for suffrage.

Describe the return of the "Fighting Tenth" Cavalry. What words of Lincoln are recalled?

What great works has the sculptor St. Gaudens left? What were the words of the mother of Colonel Robert G. Shaw?

Discuss the Civil War and its issues.

What great political principles are set forth in the Declaration of Independence?

What is Gladstone's saying in regard to the Constitution of the United States?

What American statesman won the title "Father of the Constitution"?

Which State was first to adopt the Constitution of the United States?

Which one of the original States was the last to ratify the instrument?

Upon what grounds did Patrick Henry oppose the adoption of the Constitution? Was his statement concerning the National Government correct?

What words in the Constitution of the United States reveal the Federal feature?

Point out an important distinction between the Constitution of the United States and the constitution of Pennsylvania.

Trace the order of the succession of Cabinet officers to the Presidency in the historical order of establishment of the executive departments.

What amendment has been recently sent out to the States for ratification?

What methods have been suggested for the regulation of the liquor traffic?

When was the corner stone of the Capitol building laid? When was the structure completed?

CONSTITUTION OF PENNSYLVANIA

PREAMBLE

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

Declaration of Rights

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare that

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sec. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Sec. 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Sec. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Sec. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

Sec. 8. The people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

Sec. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sec. 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Sec. 11. All courts shall be open, and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the Commonwealth in such manner, in such courts, and in such cases as the Legislature may by law direct.

Sec. 12. No power of suspending laws shall be exercised unless by the Legislature, or by its authority.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great; and

the privilege of the writ of **habeas corpus** shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 15. No commission ofoyer or terminer or jail delivery shall be issued. 16

Sec. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law. 17

Sec. 17. No **ex post facto** law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed. 18

Sec. 18. No person shall be attainted of treason or felony by the Legislature. 19

Sec. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof. 20

Sec. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address, or remonstrance. 21

Sec. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned. 22

Sec. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all times and in all cases be in strict subordination to the civil power. 23

Sec. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. 24

Sec. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior. 25

Sec. 25. Emigration from the State shall not be prohibited. 26

Sec. 26. To guard against transgressions of the high powers which we have delegated, we declare that anything in this article is excepted out of the general powers of government and shall forever remain inviolate. 27

ARTICLE II

The Legislature

Sec. 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a senate and a house of representatives. 28

Sec. 2. Members of the General Assembly shall be chosen at the
29 general election every second year. Their term of service shall begin
on the first day of December next after their election. Whenever a
vacancy shall occur in either house, the presiding officer thereof shall
issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 3. Senators shall be elected for the term of four years, and
30 representatives for the term of two years.

Sec. 4. The General Assembly shall meet at twelve o'clock, noon,
31 on the first Tuesday of January every second year, and at other times
when convened by the Governor, but shall hold no adjourned annual
session after the year one thousand eight hundred and seventy-eight.
In case of a vacancy in the office of United States Senator from this
Commonwealth, in a recess between sessions, the Governor shall con-
vene the two houses by proclamation on notice not exceeding sixty days,
to fill the same.

Sec. 5. Senators shall be at least twenty-five years of age, and rep-
32 resentatives twenty-one years of age. They shall have been citizens
and inhabitants of the State four years, and inhabitants of their re-
spective districts one year next before their election (unless absent on
the public business of the United States, or of this State), and shall
reside in their respective districts during their terms of service.

Sec. 6. No senator or representative shall, during the time for which
33 he shall have been elected, be appointed to any civil office under this
Commonwealth, and no member of Congress, or other persons holding
any office (except of attorney at law or in the militia), under the United
States, or this Commonwealth, shall be a member of either house during
his continuance in office.

Sec. 7. No person hereafter convicted of embezzlement of public
34 moneys, bribery, perjury, or other infamous crime, shall be eligible to
the General Assembly, or capable of holding any office of trust or profit
in this Commonwealth.

Sec. 8. The members of the General Assembly shall receive such
35 salary and mileage for regular and special sessions as shall be fixed by
law and no other compensation whatever, whether for service upon
committee or otherwise. No member of either house shall, during the
term for which he may have been elected, receive any increase of salary
or mileage, under any law passed during such term.

Sec. 9. The senate shall, at the beginning and close of each regular
36 session, and at such other times as may be necessary, elect one of its
members President *pro tempore*, who shall perform the duties of the
lieutenant governor, in any case or absence or disability of that officer,
and whenever the said office of lieutenant governor shall be vacant.
The house of representatives shall elect one of its members as speaker.
Each house shall choose its other officers, and shall judge of the election
and qualifications of its members.

Sec. 10. A majority of each house shall constitute a quorum, but a

smaller number may adjourn from day to day, and compel the attendance of absent members. 37

Sec. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or 38 disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and with the concurrence of two thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Sec. 12. Each house shall keep a journal of its proceedings, and from time to time publish the same, except such parts as require 39 secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sec. 13. The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept 40 secret.

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in 41 which the two houses shall be sitting.

Sec. 15. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or 42 surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may 43 be, and each district shall be entitled to elect one senator. Each county containing one or more ratios of population shall be entitled to one senator for each ratio, and to an additional senator for a surplus of population exceeding three fifths of a ratio, but no county shall form a separate district unless it shall contain four fifths of a ratio, except where the adjoining counties are each entitled to one or more senators, when such county may be assigned a senator on less than four fifths and exceeding one half a ratio; and no county shall be divided unless entitled to two or more senators. No city or county shall be entitled to separate representation exceeding one sixth of the whole number of senators. No ward, borough, or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Sec. 17. The members of the house of representatives shall be apportioned among the several counties, on a ratio obtained by dividing 44 the population of the State, as ascertained by the most recent United

States census, by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Sec. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts, agreeably to the provisions of the two next preceding sections.

ARTICLE III

Legislation

Sec. 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either house, as to change its original purpose.

Sec. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Sec. 3. No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Sec. 4. Every bill shall be read at length on three different days, in each house; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 5. No amendments to bills by one house shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Sec. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be reenacted, and published at length.

Sec. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens; regulating 52 the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, graveyards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual, any special or exclusive privilege or immunity, or to any corporation, association, or individual, the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Sec. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality 53 where the matter or the thing to be effected may be situated, which

notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

Sec. 9. The presiding officer of each house shall, in the presence of
54 the house over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Sec. 10. The General Assembly shall prescribe by law the number,
55 duties and compensation of the officers and employees of each house; and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

Sec. 11. No bill shall be passed giving any extra compensation to
56 any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Sec. 12. All stationery, printing paper, and fuel used in the legislative
57 and other departments of government shall be furnished, and the printing, binding, and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall be subject to the approval of the Governor, auditor general, and State treasurer.

Sec. 13. No law shall extend the term of any public officer, or in-
58 crease or diminish his salary or emoluments, after his election or appointment.

Sec. 14. All bills for raising revenue shall originate in the house of rep-
59 resentatives, but the senate may propose amendments as in other bills.

Sec. 15. The general appropriation bill shall embrace nothing but
60 appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 16. No money shall be paid out of the treasury except upon
61 appropriations made by law and on warrant drawn by the proper officer in pursuance thereof.

Sec. 17. No appropriation shall be made to any charitable or edu-
62 cational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the profes-

sional training of teachers for the public schools of the State, except by a vote of two thirds of all the members elected to each house.

Sec. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational, or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association.

Sec. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Sec. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Sec. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Sec. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

Sec. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary (except on the question of adjournment), shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

Sec. 28. No law changing the location of the capital of the State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth at a general election, and ratified and approved by them.

Sec. 29. A member of the General Assembly who shall solicit, demand, or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote, or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby, or who shall solicit, or demand any such money, or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence or for withholding the same, or shall give, or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Sec. 30. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 31. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation, or practice of solicitation, of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding, against any person, who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office of honor, trust, or profit in this Commonwealth.

Sec. 33. A member who has a personal or private interest in any

measure or bill proposed or pending before the General Assembly, shall 78 disclose the fact to the house of which he is a member, and shall not vote thereon.

ARTICLE IV

The Executive

Sec. 1. The executive department of this Commonwealth shall consist of a Governor, lieutenant governor, secretary of the Common- 79 wealth, attorney-general, auditor-general, State treasurer, secretary of internal affairs, and a superintendent of public instruction.

Sec. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall 80 be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the president of the senate, who shall open and publish them in the presence of the members of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the General Assembly, and formed and regulated in such a manner as shall be directed by law.

Sec. 3. The Governor shall hold his office during four years, from the third Tuesday of January next ensuing his election, and shall not 81 be eligible to the office for the next succeeding term.

Sec. 4. A lieutenant governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions 82 as the Governor; he shall be president of the senate, but shall have no vote unless they be equally divided.

Sec. 5. No person shall be eligible to the office of Governor or lieutenant governor, except a citizen of the United States, who shall 83 have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Sec. 6. No member of Congress, or person holding an office under the United States or this State, shall exercise the office of Governor or 84 lieutenant governor.

Sec. 7. The Governor shall be commander in chief of the army and navy of the Commonwealth, and of the militia, except when they shall 85 be called into the actual service of the United States.

Sec. 8. He shall nominate, and, by and with the advice and consent of two thirds of all the members of the senate, appoint a secretary of 86 the Commonwealth and an attorney-general during pleasure, a superintendent of public instruction for four years, and such other officers of the

Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the senate, in the office of auditor-general, State treasurer, secretary of internal affairs, or superintendent of public instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the senate, the Governor shall nominate to the senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Sec. 9. He shall have power to remit fines and forfeitures, to grant 87 reprieves, commutations of sentences, and pardons, except in cases of impeachment; but no pardon shall be granted nor sentence commuted, except upon the recommendation, in writing, of the lieutenant governor, secretary of the Commonwealth, attorney-general and secretary of internal affairs, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the secretary of the Commonwealth.

Sec. 10. He may require information, in writing, from the officers of 88 the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall, from time to time, give to the General Assembly 89 information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Sec. 12. He may on extraordinary occasions, convene the General 90 Assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the senate in extraordinary session by proclamation, for the transaction of executive business.

Sec. 13. In case of the death, conviction or impeachment, failure to 91 qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the lieutenant governor.

Sec. 14. In case of a vacancy in the office of lieutenant governor, or

when the lieutenant governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president **pro tempore** of the senate; and the president **pro tempore** of the senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the senate.

Sec. 15. Every bill which shall have passed both houses shall be presented to the Governor; if he approve he shall sign it; but if he shall not approve he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two thirds of all the members elected to the house shall agree to pass the bill, it shall be sent with the objections, to the other house, by which likewise it shall be reconsidered, and if approved by two thirds of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return; in which case it shall be a law, unless he shall file the same with his objections, in the office of the secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Sec. 16. The Governor shall have power to disapprove of any item or items of any bill making appropriation of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sec. 17. The chief justice of the supreme court shall preside upon the trial of any contested election of Governor or lieutenant governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and lieutenant governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Sec. 18. The secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required, lay the same, with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Sec. 19. The secretary of internal affairs shall exercise all the powers, and perform all the duties of the surveyor-general, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber, and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Sec. 20. The superintendent of public instruction shall exercise all the powers and perform all the duties of the superintendent of common schools, subject to such changes as shall be made by law.

Sec. 21. The terms of the secretary of internal affairs, the auditor-general, and the State treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successors shall be elected at the general election in the year one thousand nine hundred and twelve, and every fourth year thereafter. No person elected to the office of auditor-general or State treasurer shall be capable of holding the same office for two consecutive terms.

Sec. 22. The present great seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor.

ARTICLE V

The Judiciary

Sec. 1. The judicial power of this Commonwealth shall be vested in a supreme court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

Sec. 2. The supreme court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Sec. 3. The jurisdiction of the supreme court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall

not exercise any other original jurisdiction: they shall have appellate jurisdiction by appeal, **certiorari**, or writ of error, in all cases, as is now or may hereafter be provided by law.

Sec. 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; 104 not more than four counties shall at any time, be included in one judicial district organized for said courts.

Sec. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge 105 learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in law, is abolished in counties forming separate districts; but the several associate judges in office when the Constitution shall be adopted shall serve for their unexpired terms.

Sec. 6. In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject 106 to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and coördinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia, all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court; and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time.

Sec. 7. For Philadelphia there shall be one prothonotary's office and one prothonotary for all said courts, to be appointed by the judges of 107

said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Sec. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Sec. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts, shall be justices of the peace as to criminal matters.

Sec. 10. The judges of the courts of common pleas, within their respective counties, shall have the power to issue writs of *certiorari* to justices of the peace, and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Sec. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen, shall be elected in the several wards, districts, boroughs, and townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district, or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward, or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward, or district, for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Sec. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided,

as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Sec. 13. All fees, fines, and penalties in said courts shall be paid into the county treasury. 113

Sec. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown. 114

Sec. 15. All judges required to be learned in the law, except the judges of the supreme court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two thirds of each house of the General Assembly. 115

Sec. 16. Whenever two judges of the supreme court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected. 116

Sec. 17. Should any two or more judges in the supreme court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith. 117

Sec. 18. The judges of the supreme court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees, or perquisites of office, for their services from any source, nor hold any other office of profit under the United States, this State, or any other State. 118

Sec. 19. The judges of the supreme court, during their continuance in office, shall reside within this Commonwealth; and the other judges during their continuance in office shall reside within the districts for which they shall be respectively elected. 119

Sec. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law. 120

Sec. 21. No duties shall be imposed by law upon the supreme court or any of the judges thereof except such as are judicial; nor shall any of the judges exercise any power of appointment except as herein pro- 121

vided. The court of *nisi prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.

Sec. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' court, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court, shall be audited by the said court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

Sec. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Sec. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record, and all proceedings to the supreme court for review.

Sec. 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Sec. 26. All laws relating to courts shall be general, and of uniform operations, and the organization, jurisdiction, and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Sec. 27. The parties by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error, as in other cases.

ARTICLE VI

Impeachment and Removal from Office

Sec. 1. The house of representatives shall have the sole power of impeachment. 128

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. 129 No person shall be convicted without the concurrence of two thirds of the members present.

Sec. 3. The Governor, and all other civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law. 130

Sec. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record and the superintendent of public instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, lieutenant governor, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two thirds of the senate. 131

ARTICLE VII

Oath of Office

Sec. 1. Senators and representatives, and all judicial, State, and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: 132

“I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any moneys or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law.”

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the supreme court, shall be filed in the office of the secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the senate and house of representatives shall be administered by one of the judges of the supreme court or of a court of common pleas, learned in the law, in the hall of the house to which the members shall be elected.

ARTICLE VIII

Suffrage and Elections

Sec. 1. Every male citizen twenty-one years of age, possessing the
133 following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

First. He shall have been a citizen of the United States at least one month.

Second. He shall have resided in the State one year (or, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

Sec. 2. The general election shall be held biennially on the Tuesday
134 next following the first Monday of November, in each even-numbered year, but the General Assembly may by law fix a different day, two thirds of all the members of each house consenting thereto: Provided, That such election shall always be held in an even-numbered year.

Sec. 3. All judges elected by the electors of the State at large may
135 be elected at either a general or a municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two thirds of all the members of each

house consenting thereto: Provided, That such election shall always be held in an odd-numbered year.

Sec. 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law. Provided, That secrecy 136 in voting be preserved.

Sec. 5. Electors shall in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance 137 on elections, and going to and returning therefrom.

Sec. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the 138 President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are, or shall be, prescribed by law, as fully as if they were present at their usual places of election.

Sec. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, 139 but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class.

Sec. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise 140 to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Sec. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Com- 141 monwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Sec. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject 142 him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Sec. 11. Townships and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, 143 in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one

hundred thousand inhabitants shall be divided by the courts of quarter sessions having jurisdiction therein whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

144 **Sec. 12.** All elections by persons in a representative capacity shall be *viva voce*.

Sec. 13. For the purpose of voting no person shall be deemed to
145 have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor when confined in public prison.

Sec. 14. District election boards shall consist of a judge and two
146 inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of court of record, or judge thereof, for an election fraud, for felony, or wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Sec. 15. No person shall be qualified to serve as an election officer
147 who shall hold, or shall within two months have held, an office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust in any city, save only justices of the peace, and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Sec. 16. The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions,
148 to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election districts, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different

political parties. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Sec. 17. The trial and determination of contested elections of Electors of President and Vice President, members of the General Assembly, 149 and of all public officers, whether State, judicial, municipal, or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX

Taxation and Finance

Sec. 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall 150 be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of a purely public charity.

Sec. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void. 151

Sec. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract of grant to which the 152 State shall be a party.

Sec. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress in- 153 surrections, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Sec. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to 154 be used, and the money so borrowed shall be used for the purpose specified, and no other.

Sec. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor 155 shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Sec. 7. The General Assembly shall not authorize any county, city, borough, township, or incorporated district to become a stockholder in 156 any company, association or corporation, or to obtain or appropriate

money for, or to loan its credit to, any corporation, association, institution, or individual.

Sec. 8. The debt of any county, city, borough, township, school
157 district, or other municipality or incorporated district, except as
herein provided, shall never exceed seven per centum upon the as-
sessed value of the taxable property therein, nor shall any such mu-
nicipality or district incur any new debt, or increase its indebtedness
to an amount exceeding two per centum upon such assessed valuation
of property, without the assent of the electors thereof at a public elec-
tion in such manner as shall be provided by law; but any city, the debt
of which now exceeds seven per centum of such assessed valuation,
may be authorized by law to increase the same three per centum, in
the aggregate at any one time, upon such valuation, except that any
debt or debts hereinafter incurred by the city and county of Phila-
delphia for the construction and development of subways for transit
purposes, or for the construction of wharves and docks, or the rec-
lamation of land to be used in the construction of a system of wharves
and docks, as public improvements, owned or to be owned by said
city and county of Philadelphia, and which shall yield to the city and
county of Philadelphia current net revenue in excess of the interest on
said debt or debts and of the annual installments necessary for the
cancellation of said debt or debts, may be excluded in ascertaining the
power of the city and county of Philadelphia to become otherwise in-
debted: Provided, That a sinking fund for their cancellation shall be
established and maintained.

Sec. 9. The Commonwealth shall not assume the debt, or any part
158 thereof, of any city, county, borough, or township, unless such debt
shall have been contracted to enable the State to repel invasion, sup-
press domestic insurrection, defend itself in time of war, or to assist
the State in the discharge of any portion of its present indebtedness.

Sec. 10. Any county, township, school district, or other munici-
159 pality, incurring any indebtedness, shall, at or before the time of so
doing, provide for the collection of an annual tax, sufficient to pay the
interest, and also the principal thereof within thirty years.

Sec. 11. To provide for the payment of the present State debt, and
160 any additional debt contracted as aforesaid, the General Assembly
shall continue and maintain the sinking fund sufficient to pay the ac-
cruing interest on such debt, and annually to reduce the principal
thereof by a sum not less than two hundred and fifty thousand dollars;
the said sinking fund shall consist of the proceeds of the sales of public
works, or any part thereof, and of the income or proceeds of the sale
of any stocks owned by the Commonwealth, together with other funds
and resources that may be designated by law, and shall be increased
from time to time by assigning to it any part of the taxes, or other
revenues of the State, not required for the ordinary and current ex-
penses of government; and unless in case of war, invasion or insurrec-

tion, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Sec. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State. 161

Sec. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited and how secured. 162

Sec. 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years. 163

ARTICLE X

Education

Sec. 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose. 164

Sec. 2. No money raised for the support of the public schools of the Commonwealth, shall be appropriated to, or used for, the support of any sectarian school. 165

Sec. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State. 166

ARTICLE XI

Militia

Sec. 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defense, when, and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms. 167

ARTICLE XII

Public Officers

Sec. 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed, as may be directed by law; 168

Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when; in either case, special elections may be required to fill unexpired terms.

Sec. 2. No member of Congress from this State, nor any person 169 holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees, or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Sec. 3. Any person who shall fight a duel, or send a challenge for 170 that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII

New Counties

Sec. 1. No new county shall be established which shall reduce any 171 county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV

County Officers

Sec. 1. County officers shall consist of sheriffs, coroners, prothono- 172 taries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Sec. 2. County officers shall be elected at the municipal elections, 173 and shall hold their offices for the term of four years beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

Sec. 3. No person shall be appointed to any office within any 174 county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 4. Prothonotaries, clerks of the courts, recorders of deeds, 175 registers of wills, county surveyors, and sheriffs, shall keep their offices

in the county town of the county in which they respectively shall be officers.

Sec. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all 176 fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Sec. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well as 177 for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

Sec. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one 178 thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV

Cities and City Charters

Sec. 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand 179 shall vote at any general election in favor of the same.

Sec. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation 180 previously made therefor by the municipal government.

Sec. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt. 181

ARTICLE XVI

Private Corporations

Sec. 1. All existing charters, or grants of special or exclusive privileges, under which a **bona fide** organization shall not have taken place 182 and business commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or 183

pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 3. The exercise of the right of eminent domain shall never be
184 abridged or so construed as to prevent the General Assembly from
taking the property and franchises of incorporated companies, and
subjecting them to public use, the same as the property of individuals;
and the exercise of the police power of the State shall never be abridged
or so construed as to permit corporations to conduct their business in
such manner as to infringe the equal rights of individuals or the
general well-being of the State.

Sec. 4. In all elections for directors or managers of a corporation
185 each member or shareholder may cast the whole number of his votes
for one candidate, or distribute them upon two or more candidates, as
he may prefer.

Sec. 5. No foreign corporation shall do any business in this State
186 without having one or more known places of business and an au-
thorized agent or agents in the same upon whom process may be
served.

Sec. 6. No corporation shall engage in any business other than that
187 expressly authorized in its charter, nor shall it take or hold any real
estate except such as may be necessary and proper for its legitimate
business.

Sec. 7. No corporation shall issue stock or bonds except for money,
188 labor done, or money or property actually received; and all fictitious
increase of stock or indebtedness shall be void. The stock and indebt-
edness of corporations shall not be increased except in pursuance of
general law, nor without the consent of the persons holding the larger
amount in value of the stock first obtained at a meeting to be held
after sixty days' notice given in pursuance of law.

Sec. 8. Municipal and other corporations and individuals invested
189 with the privilege of taking private property for public use shall make
just compensation for property taken, injured or destroyed by the con-
struction or enlargement of their works, highways or improvements,
which compensation shall be paid or secured before such taking, in-
jury, or destruction. The General Assembly is hereby prohibited
from depriving any person of an appeal from any preliminary assess-
ment of damages against any such corporations or individuals made
by viewers or otherwise; and the amount of such damages in all cases
of appeal shall, on the demand of either party, be determined by a
jury, according to the course of the common law.

Sec. 9. Every banking law shall provide for the registry and
190 countersigning, by an officer of the State, of all notes or bills designed
for circulation, and that ample security to the full amount thereof
shall be deposited with the auditor-general for the redemption of such
notes or bills.

Sec. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable 191 at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law with- 192 out three months' previous public notice, at the place of the intended location, of the intention to apply for such privilege, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Sec. 12. Any association or corporation, organized for the purpose, or any individual, shall have the right to construct and maintain lines 193 of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line or acquire, by purchase or otherwise, any other competing lines of telegraph.

Sec. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having 194 any of the powers, or privileges of corporations, not possessed by individuals or partnerships.

ARTICLE XVII

Railroads and Canals

Sec. 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any asso- 195 ciation or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross, any other railroad; and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

Sec. 2. Every railroad and canal corporation organized in this State, shall maintain an office therein, where transfers of its stock shall be 196 made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Sec. 3. All individuals, associations, and corporations shall have
197 equal right to have persons and property transported over railroads
and canals, and no undue or unreasonable discrimination shall be
made in charges for, or in facilities for, transportation of freight or
passengers within this State, or coming from or going to any other
State. Persons and property transported over any railroad, shall be
delivered at any station, at charges not exceeding the charges for
transportation of persons and property of the same class, in the same
direction, to any more distant station; but excursion and commuta-
tion tickets may be issued at special rates.

Sec. 4. No railroad, canal, or other corporation, or the lessees, pur-
198 chasers, or managers of any railroad or canal corporation, shall con-
solidate the stock, property, or franchises of such corporation with, or
lease or purchase the works, or franchises of, or in any way control any
other railroad or canal corporation, owning, or having under its con-
trol, a parallel or competing line; nor shall any officer of such railroad
or canal corporation act as an officer of any other railroad or canal
corporation, owning, or having the control of a parallel or competing
line; and the question whether railroads or canals are parallel or
competing lines shall, when demanded by the party complainant, be
decided by a jury as in other civil issues.

Sec. 5. No incorporated company doing the business of a common
199 carrier shall, directly or indirectly, prosecute or engage in mining or
manufacturing articles for transportation over its works; nor shall such
company, directly or indirectly, engage in any other business than that
of common carriers, or hold or acquire lands, freehold or leasehold,
directly or indirectly, except such as shall be necessary for carrying on
its business; but any mining or manufacturing company may carry
the products of its mines and manufactories on its railroad or canal
not exceeding fifty miles in length.

Sec. 6. No president, director, officer, agent, or employee of any
200 railroad or canal company shall be interested, directly or indirectly,
in the furnishing of material or supplies to such company, or in the
business of transportation as a common carrier of freight or passengers,
over the works owned, leased, controlled, or worked by such company.

Sec. 7. No discrimination in charges or facilities for transportation
201 shall be made between transportation companies and individuals, or
in favor of either, by abatement, drawback, or otherwise, and no rail-
road or canal company, or any lessee, manager, or employee thereof,
shall make any preferences in furnishing cars or motive power.

Sec. 8. No railroad, railway, or other transportation company shall
202 grant free passes, or passes at a discount, to any person except officers
or employees of the company.

Sec. 9. No street passenger railway shall be constructed within the
203 limits of any city, borough or township, without the consent of its
local authorities.

Sec. 10. No railroad, canal, or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article. 204

Sec. 11. The existing powers and duties of the auditor-general in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the secretary of internal affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and in addition to the annual reports now required to be made, said secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof. 205

Sec. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article. 206

ARTICLE XVIII

Future Amendments

Sec. 1. Any amendment or amendments to this Constitution may be proposed in the senate or house of representatives; and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time, at least three months after being so agreed to by the two houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately. 207

The amendments adopted in 1909 abolished the February elections, and altered Articles IV, V, VIII, XII and XIV to read as printed above. At the same time there was adopted the following 208

SCHEDULE

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared that—

In the case of officers elected by the people, all terms of office fixed by act of Assembly at an odd number of years shall be lengthened one year, but the Legislature may change the length of the term, provided the terms for which such officers are elected shall always be for an even number of years.

The above extension of official terms shall not affect officers elected at the general election of one thousand nine hundred and eight; nor any city, ward, borough, township, or election division officers, whose terms of office, under existing law, end in the year one thousand nine hundred and ten.

In the year one thousand nine hundred and ten the municipal election shall be held on the third Tuesday of February as heretofore; but all officers chosen at that election to an office the regular term of which is two years, and also all election officers and assessors chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and eleven. All officers chosen at that election to offices the term of which is now four years, or is made four years by the operation of these amendments or this schedule, shall serve until the first Monday of December in the year one thousand nine hundred and thirteen. All justices of the peace, magistrates, and aldermen, chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and fifteen. After the year nineteen hundred and ten, and until the Legislature shall otherwise provide, all terms of city, ward, borough, township, and election division officers shall begin on the first Monday of December in an odd-numbered year.

All city, ward, borough, and township officers holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of December of that year.

All judges of the courts for the several judicial districts, and also all county officers, holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of January, one thousand nine hundred and twelve.

CONSTITUTION OF THE UNITED STATES

PREAMBLE

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the **A** common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

ARTICLE I

Sec. 1. All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and **B** House of Representatives.

Sec. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the **C** electors in each State shall have the qualifications requisite for electors 1 of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United **2** States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to **3** their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies. **4**

The House of Representatives shall choose their Speaker, and other **5** officers; and shall have the sole power of impeachment.

D **Sec. 3.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six 1 years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the 2 first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age 3 of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the 4 Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their officers, and also a President **pro** 5 **tempore**, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When 6 sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to 7 removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sec. 4. The times, places, and manner of holding elections for 8 Senators and Representatives shall be prescribed in each State by the 1 Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such 2 meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

F **Sec. 5.** Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall con- 1 stitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its

members for disorderly behavior, and, with the concurrence of two thirds, expel a member. 2

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal. 3

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. 4

Sec. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. 1

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Sec. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other bills. 1

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved 3

by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

- I Sec. 8.** The Congress shall have power to lay and collect taxes,
1 duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;
2 To borrow money on the credit of the United States;
3 To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
4 To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.
5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
6 To provide for the punishment of counterfeiting the securities and current coin of the United States;
7 To establish post offices and post roads;
8 To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;
9 To constitute tribunals inferior to the Supreme Court;
10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
13 To provide and maintain a navy;
14 To make rules for the government and regulation of the land and naval forces;
15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
To provide for organizing, arming, and disciplining the militia, and
16 for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
To exercise exclusive legislation in all cases whatsoever over such
17 district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and
To make all laws which shall be necessary and proper for carrying
18 into execution the foregoing powers, and all other powers vested by

this Constitution in the government of the United States, or in any department or officer thereof.

Sec. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited **J** by the Congress prior to the year one thousand eight hundred and eight, **1** but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of **habeas corpus** shall not be suspended, unless when in cases of rebellion or invasion the public safety may re- **2** quire it.

No bill of attainder or **ex post facto** law shall be passed. **3**

No capitation or other direct tax shall be laid, unless in proportion **4** to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. **5**

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound **6** to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of **7** the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without **8** the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Sec. 10. No State shall enter into any treaty, alliance, or confeder- **K** ation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, **ex post facto** law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any impost **2** or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any **3** agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

Sec. 1. The Executive power shall be vested in a President of the **L** United States of America. He shall hold his office during a term of

1 four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof
2 may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.] **Repealed by Am. 12.**

The Congress may determine the time of choosing the Electors, and
3 the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United
4 States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death,
5 resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a com-

pensation, which shall neither be increased nor diminished during the 6 period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will 7 faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Sec. 2. The President shall be Commander in chief of the army and M navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the 1 opinion, in writing, of the principal officers in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present 2 concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may hap- 3 pen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such N measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and O conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Sec. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may P

from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Q **Sec. 2.** The judicial power shall extend to all cases, in law and equity,
 1 arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States,—between a State and citizens of another State,—between citizens of different States,—between citizens of the same State claiming lands under grants of different States,—and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls,
 2 suls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by
 3 jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

R **Sec. 3.** Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of
 1 two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason,
 2 but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV

Sec. 1. Full faith and credit shall be given in each State to the public
 3 acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

T **Sec. 2.** The citizens of each State shall be entitled to all privileges
 1 and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime,
 2 who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof,

escaping into another, shall, in consequence of any law or regulation 3 therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Sec. 3. New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of U any other State; nor any State be formed by the junction of two or more 1 States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging 2 to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against V invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the W application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses of the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States X under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no re-

ligious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the Conventions of nine States shall be sufficient
Y for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE

John Langdon,
Nicholas Gilman.

MASSACHUSETTS

Nathaniel Gorham,
Rufus King.

CONNECTICUT

William Samuel Johnson,
Roger Sherman.

NEW YORK

Alexander Hamilton.

NEW JERSEY

William Livingston,
David Brearley,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Attest:

DELAWARE

George Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND

James McHenry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.

VIRGINIA

John Blair,
James Madison, Jr.

NORTH CAROLINA

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA

William Few,
Abraham Baldwin.

WILLIAM JACKSON, Secretary.

AMENDMENTS

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging **Am.** the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. 1

ARTICLE II.—A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms 2 shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but 3 in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and 4 seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a 5 grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the 6 State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be 7 preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. 8

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by 9 the people.

ARTICLE X.—The powers not delegated to the United States by

10 the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not
11 be construed to extend in any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.—The Electors shall meet in their respective States,
12 and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.—**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been
13 duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens ¹⁴ of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or Elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or ¹⁵ by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

LIST OF PRESIDENTS

No.	PRESIDENT	ELECTED FROM	BORN	DIED
1	George Washington	Virginia	1732	1799
2	John Adams	Massachusetts.	1735	1826
3	Thomas Jefferson.	Virginia	1743	1826
4	James Madison.	Virginia	1751	1836
5	James Monroe.	Virginia	1758	1831
6	John Quincy Adams	Massachusetts.	1767	1848
7	Andrew Jackson.	Tennessee.	1767	1845
8	Martin VanBuren.	New York.	1782	1862
9	William H. Harrison	Ohio	1773	1841
10	John Tyler.	Virginia	1790	1862
11	James K. Polk	Tennessee.	1795	1849
12	Zachary Taylor.	Louisiana.	1784	1850
13	Millard Fillmore.	New York.	1800	1874
14	Franklin Pierce.	New Hampshire.	1804	1869
15	James Buchanan.	Pennsylvania.	1791	1868
16	Abraham Lincoln.	Illinois	1809	1865
17	Andrew Johnson.	Tennessee.	1808	1875
18	Ulysses S. Grant.	Illinois	1822	1885
19	Rutherford B. Hayes.	Ohio	1822	1893
20	James A. Garfield	Ohio	1831	1881
21	Chester A. Arthur.	New York.	1830	1886
22	Grover Cleveland	New York.	1837	1908
23	Benjamin Harrison.	Indiana.	1833	1901
24	Grover Cleveland	New York.	1837	1908
25	William McKinley	Ohio	1843	1901
26	Theodore Roosevelt	New York.	1858
27	William Howard Taft	Ohio	1857

AND VICE PRESIDENTS

TERM OF OFFICE	ELECTED BY	VICE PRESIDENTS
Two terms; 1789-1797.....	Whole People..	John Adams.
One term; 1797-1801	Federalists	Thomas Jefferson.
Two terms; 1801-1809	Democratic- {	Aaron Burr.
	Republicans {	George Clinton.
Two terms; 1809-1817	Democratic- {	George Clinton.
	Republicans {	Elbridge Gerry.
Two terms; 1817-1825	Democratic- {	Daniel D. Tompkins.
	Republicans {	
One term; 1825-1829	House of Rep...	John C. Calhoun.
Two terms; 1829-1837.....	Democrats .. {	John C. Calhoun.
		Martin VanBuren.
One term; 1837-1841.....	Democrats	Richard M. Johnson.
One month; 1841.....	Whigs	John Tyler.
3 years, 11 months; 1841-1845	Whigs	
One term; 1845-1849.	Democrats	George M. Dallas.
1 year, 4 months; 1849-1850	Whigs	Millard Fillmore.
2 years, 8 months; 1850-1853	Whigs	
One term; 1853-1857.	Democrats	William R. King.
One term; 1857-1861.....	Democrats	J. C. Breckenridge.
One term, 6 weeks; 1861-1865	Republicans {	Hannibal Hamlin.
		Andrew Johnson.
3 years, 10½ months; 1865-1869	Republicans ..	
Two terms; 1869-1877.....	Republicans {	Schuyler Colfax.
		Henry Wilson.
One term; 1877-1881.....	Republicans ...	William A. Wheeler.
Six months and 15 days	Republicans ...	Chester A. Arthur.
3 years, 5 mos., 15 da.; 1881-85	Republicans ...	
One term; 1885-1889.....	Democrats	Thos. A. Hendricks.
One term; 1889-1893.....	Republicans ...	Levi P. Morton.
One term; 1893-1897.....	Democrats	Adlai E. Stevenson.
1 term, 6 mos., 10 da.; 1897-01	Republicans {	Garret A. Hobart.
		Theodore Roosevelt.
3 y., 5 m., 20 d.; 1 term; '01-'09	Republicans ...	Chas. W. Fairbanks.
.....1909.	Republicans ...	James S. Sherman.

CHIEF JUSTICES OF THE FEDERAL SUPREME COURT

No.	CHIEF JUSTICE	TERM	Years	BORN	DIED	STATE
1	John Jay.....	1789-1795	6	1745	1829	New York
2	John Rutledge.....	1795-1795	..	1739	1800	S. Carolina
3	Oliver Ellsworth....	1796-1800	4	1745	1807	Connecticut
4	John Marshall	1801-1835	34	1755	1835	Virginia
5	Roger B. Taney....	1836-1864	28	1777	1864	Maryland
6	Salmon P. Chase...	1864-1873	9	1808	1873	Ohio
7	Morrison R. Waite..	1874-1888	14	1816	1888	Ohio
8	Melville W. Fuller..	1888-1910	22	1833	1910	Illinois
9	Edward D. White	1910-.....	..	1845	Louisiana

INDEX AND DEFINITIONS

- Abolition of slavery**, vote of the House, 344; in District of Columbia, 433.
- Accidents**, railroad, 382.
- Act**: a decision of a legislative body; a law of a State, or of the United States.
- Acts of Assembly**, laws of Pennsylvania are so called, 85.
- Adams, John**, chosen President in 1797, 281.
- Adams, John Quincy**, chosen President by House of Representatives, 282; a minority President, 284; not popular, but nearly chosen in 1828, 413.
- Adjournment**: the putting off until another day or time specified, or without day; the recess or interval during which a public body suspends its sittings or postpones business; power of the two houses in regard to, 94; of the Legislature, by the Governor, 100.
- Adjutant general** of Pennsylvania, 108; of the United States, 296.
- Administration**, defined, 294.
- Administrator**: a person appointed by the orphans' court to manage and settle the estate of a deceased person.
- Admission of new States**, 323; of Oklahoma, 419.
- Affirmation**: a solemn declaration, made under penalties of perjury, by persons who decline to take an oath.
- Agriculture**, secretary of, in Pennsylvania, 105; Secretary of, in Cabinet, 293, 301.
- Alabama**, limitation of suffrage in, 434.
- Alaska**, District of, 324.
- Aldermen** in cities, 61, 64.
- Alien**, defined, 19.
- Allegheny**, united with Pittsburg, 58.
- Allegiance to the United States**, 349.
- Alliance**: a union between two or more nations by treaty or contract, for their mutual benefit; States cannot make separately, 271.
- Almshouses**, 48, 80.
- Altgeld**, Governor of Illinois, 327, 416.
- Ambassador**, 302, 303; **appointment**, 289; foreign received by the President, 289; represent the person of the ruler, 303.
- Amendment**: an addition or change made in a constitution or in a bill or other instrument during the process of legislation.
- Amendments**, to State constitution, how made, 222; recent, 223; to the Federal Constitution, consent of President not necessary, 290; how made, 328; exceptions to the power, 329; most important clause, 329; a wise provision, 337; first ten amendments apply to United States Government only, 337; approval voted not necessary, 345; three great amendments and reconstruction, 347; an amendment in process, 442.
- Anglo-Saxon**, division of power, 72.
- Anti-trust laws**, power of Congress, 390.
- Appeal**: the removal of a cause from a court of inferior to one of superior jurisdiction, for review or retrial; in Pennsylvania, 123, 134; manner of trial before the supreme court, 135.
- Appointment**: the exercise of the power of designating or naming a person to hold office; Presidential appointments very numerous, and constitute a very important part of his duty, 289.
- Apportionment**, of the State by the General Assembly, 94; of Representatives in Congress, 230.
- Appropriation**: a sum of money authorized by law to be taken out of the

- treasury, and to be applied to a special use or purpose; the setting apart of such money; must be made by law, 270; for army not to exceed two years, 257; committee on, 387.
- Approval**, submission of bills for, not always necessary, 101.
- Arbitration**: the settlement of disputed cases by disinterested persons, 417; boards of, 418; of disputes among nations, 416.
- Area**, of Pennsylvania, 25; range of, in townships, 45; minimum, of county, 71.
- Aristocracy**, defined, 15; not permitted, 327; feared before election of Jackson, 414.
- Aristotle**, a saying of, 16.
- Arizona**, 324.
- Arms**, rights of people concerning, 221, 338.
- Army of the United States**, how maintained, 257; strength, 258; citizen-soldiery, 221; officers tried by courts-martial, 318; no impeachment, 261, 318; President, commander in chief, 257.
- Arrests**, 339.
- Arson**: the malicious burning of any dwelling or building the property of another.
- Arthur**, Chester A., succeeds James A. Garfield, taking oath of office in New York, 286, 415.
- Articles of Confederation**, survivals from, 235; defects of, 274; a bond of union, 350.
- Arts and Sciences**, how promoted, 256.
- Assemble**, people have right to, 221.
- Assembly**, the first in Pennsylvania, 31, 34; the General Assembly, 85.
- Assessment**: fixing or determining a tax; charging with any sum of money as a due share or proportion.
- Assessors**, 49, 57; board of, 63, 363.
- Associate judges in Pennsylvania**, 130; drawing a jury, 122.
- Assumption of State debts**, 440.
- Atchison**, David R., 414.
- Attainder**: extinction of civil rights in consequence of condemnation for treason or other capital crime; bills of, forbidden, 221; Congress cannot pass, 269; States cannot pass, 271.
- Attorney-General of Pennsylvania**, 103, 113, 114.
- Attorney-General of the United States**, succession to the Presidency, 286; duties of, 297.
- Attorneys at law**: persons entitled to practice law in the higher courts, 123.
- Auditor-General of Pennsylvania**, 104, 113, 114.
- Auditors**, township, 50, 52; controller in cities, 61; county, 77.
- Australian ballot**: a form of ballot in which the names of all the candidates are printed on one ticket, and the voter indicates his choice by cross-marks, 144, 145, 146.
- Automobile**, licenses for, 173.
- Award**, the decision rendered by the *arbiters* in a board of arbitration.
- Bail**, defined, excessive, forbidden, 220.
- Ballot**, the "Baker Ballot," 144; details, 146; specimen, 147; counting the ballots, 151; boxes, 153; primary, 161.
- Banking commissioner of Pennsylvania**, 110, 115, 178.
- Bank-note**, National, 394.
- Bankruptcy**, definition of, and laws concerning, 252.
- Banks and savings institutions in State**, 179.
- Barbarism**, state of, 13.
- Battleships of the navy**, 259; modern, 261.
- Belknap**, W. W., impeachment of, 239.
- Bill**, defined, 91; how passed, 92; where it may originate, 92; for revenue, 92; duties of Governor in regard to, 92; mode of passing, in Congress, 243; how bills are sometimes defeated, 244.
- Bill of attainder**: an act passed against a person, depriving him of the right to hold or transmit property, 221, 269, 271.
- Bill of credit**: paper issued by a State, on the faith and credit of the State, and designed to circulate as money.
- Bill of indictment**: a written accusation lawfully presented to a grand jury.
- Bill of rights**, defined, 336; in the State

constitution, 217-222; the desire for such bill in U. S., 336; first ten amendments of Federal Constitution form a, 337.

Bimetallism: the legal use of two metals—gold and silver—in the coinage or specie currency of a country, at a fixed relative value; relation to nations, 392.

Blacklists, 417.

Blaine, James G., forbids occupancy of Hawaii, 402.

Bland-Allison Act, purpose of, 392.

Blockade: the closing of the ports of the country of an enemy in order to prevent vessels from going in or passing out, 431.

Blount, William, impeachment of, 239.

Board of Agriculture, 113.

Board of health, of boroughs, 55; of cities, 62; department of health, 113, 115.

Board of Pardons, 113.

Board of Property, 113.

Board of Revenue Commissioners, 114.

Boards of Arbitration, 418.

Body Politic: the collective body of the people as politically organized, or as exercising political functions; a nation or community as constituted under government.

Bond: the guarantee demanded from public officers to insure faithful performance of duty; an evidence of indebtedness issued by the United States Government for money borrowed, 250, 253. Such interest-bearing certificates of indebtedness are also issued by various corporations, such as cities, counties, railroads, steel companies, etc., 179.

Borough, defined, 55; how made, 55; chief burgess and other officers of, 55, 57; council of, 56; divisions of, 56.

Boundaries of Pennsylvania, 25; by charter, 26; lines of, 27.

Boycott: to combine against an employer in such way as to withhold social or business relations from him, and to prevent others from holding such relations with him, 417, 422.

Braddock's grave, 361.

Bribery: the act of giving or receiving a reward as an inducement to official or political action; penalty for, 151.

Broad construction of Federal Constitution, 263.

Buchanan, James, a minority President, 284.

Bureau, of Engraving, 253; of Rolls and Library, 294; of Animal Industry, 301; of Corporations, 301; of Immigration and Naturalization, 302; of Manufactures, 302; of Statistics, 302; of Ethnology, 308; of American Republics, 308.

Burglary: the breaking into and entering in the night time the dwelling house of another with the intent to commit a crime. In some States burglary includes the breaking with felonious intent into a house by day as well as by night, and into other buildings than dwelling houses.

Burr, Aaron, and the Presidency in 1801. 282; facts concerning, 415, 444.

Butler, Benjamin F., 394, 429.

By-laws: local or subordinate laws; rules and regulations formed by a private corporation for its own government.

Cabinet: the advisers or counselors of the President, a council consisting of the first nine heads of the executive departments; members of, 293; an idea concerning, 421.

Calhoun, John C., dual executive plan of, 415.

California, divided Electoral vote of, 279; demanded anti-Chinese legislation, 400; Chinese laborers in, 417.

Campaign, the political, 159.

Canada, head tax on Chinese, 401.

Canals, 185.

Candidate: one who offers himself, or is put forward by others, as a suitable person for an office, 161.

Canvass: a systematic effort to obtain votes; a summing up of the votes cast for the various candidates, 152, 158, 410.

Capital: the seat of government of the State or Nation; the accumulated

- product of labor; capital crimes are those punishable by death. Location of National capital, 440.
- Capitation tax:** a tax assessed on every head or person without reference to property; a poll tax, 248, 269.
- Capitol:** the building at Washington occupied by Congress, 441; the state-house in which the Legislature of the State assembles.
- Carnegie Technical Schools,** 210.
- Caucus:** a meeting of persons belonging to a party, for the purpose of nominating candidates for office, or for making arrangements to secure their election; a political primary meeting, 160.
- Census:** an official numbering of the people, with statement of the value of their property, and other statistics of the country; Bureau, 301.
- Certificates of identification,** 402.
- Cervera, Admiral Pascual,** 408.
- Challenge:** objection regarding the vote of a person as not being a qualified voter, 149; objection or exception to proposed members of a jury or court, 123.
- Chancery:** equity; a court of equity.
- Charles the Second** pays a debt, 30.
- Charter:** a written instrument, executed in due form, granting rights, franchises, or privileges, 381.
- Charter of Privileges,** 36.
- Chase, Samuel,** impeachment of, 239.
- Chemistry, Bureau of,** 301.
- Chicago, railroad strike in,** 327.
- Chief burgess of borough,** 55.
- Chief Justice,** 238, 287, 312.
- Chile, strained relations with,** 408.
- China, treaty of 1881,** 400.
- Chinese, native-born are citizens,** 18; the naturalization of, forbidden, 20; other facts concerning, 401, 402.
- Chisholm vs. Georgia,** 343.
- Church and State,** 330, 338.
- Circuit:** a large district of the country, to which a Justice of the Supreme Court makes periodical visits for the administration of justice.
- Circuit Court of Appeals,** 315.
- Circuit Courts, abolished,** 314.
- Circulating medium,** 391.
- Cities in Pennsylvania,** 55-70, 170, 171.
- Citizen, defined,** 18; privileges of, 321, 345.
- Citizenship, defined,** 18; application for, 154; relation to the right to vote, 251; some children born abroad are citizens, 276; does not necessarily imply right to vote, 346.
- Civic courage,** 366.
- Civic duty,** 364.
- Civic pride,** 360.
- Civics:** the science of civil government.
- Civil:** pertaining to a citizen in his relation to other citizens or to the State; not criminal; not military.
- Civil cases in Pennsylvania,** 122, 126; in Federal Courts, 314, 341.
- Civil engineer, the city,** 63.
- Civil government:** the regulation, control, and direction of the affairs of civil society. Its function is to make it easy to do right and difficult to do wrong.
- Civil liberty, defined,** 18.
- Civil rights, relation to Congress,** 347.
- Civil service, 304; commission, 304; persons classified,** 304.
- Civil service reform:** the substitution of business principles and methods for the spoils system, 304.
- Civil War, and the amendments,** 344-348, 432, 433.
- Claims for slaves not to be paid,** 251.
- Claims of the Penn family,** 38.
- Classes of Senators,** 235.
- Clay, Henry,** 282; first of modern Speakers, 386.
- Clearing ships,** 270.
- Clerk, township, 50; of elections, 52; of councils, 56; of the courts, 75, 76; of the State senate, 89; of the State house of representatives, 89; of the Federal House, 234; of the Federal Senate, 236.**
- Cleveland, Grover,** uses troops to quell riots, 327; a minority President, 283; other facts concerning, 283, 372, 416.
- Clinton, George, Vice President,** 416.
- Clôture or Closure:** a rule of procedure, adopted by the English Parliament in 1882, for the purpose of clos-

- ing discussion and bringing matters under debate to an issue. The Speaker of the House of Commons may cut off discussion at the request of 100 members, if less than 40 members vote in the negative. In the United States House of Representatives, and in the State Legislatures, the same object is attained by a bare majority through moving the "previous question." In the Senate there is no clôtüre of any kind, and a resolute minority can often thwart the purposes of the majority. This condition strongly tends to make the Senate unsatisfactory.
- Coasting trade**, in relation to American ships, 270.
- Coins and coinage**, 252; gold and silver, 292; minor coins, 395; relation to circulating medium, 391; free coinage, 392.
- Collector of delinquent taxes**, 67.
- Collector of taxes**, 49.
- College and university council**, members of, 114.
- Colman, Norman J.**, first Secretary of Agriculture, 441.
- Colon and Panama**, cities, 428.
- Colonies**, government in, 42, 43.
- Commerce**: trade carried on between different places or communities; exchange of merchandise on a large scale; extended trade or traffic. Congress has power to regulate, 251; Interstate Commerce Commission, 304.
- Commerce and Labor**, Secretary of, 301.
- Commission**: a written warrant or document issued by a government investing a person with authority to perform the duties of an office, 102, 106; a body of men selected for the performance of some specified duty or the execution of some special trust; a brokerage or allowance made to an agent for transacting business.
- Commissioner (State)** of banking, 110; of forestry, 111; of insurance, 111; of health, 113; of fisheries, 115; of highways, 115, 173.
- Commissioner of Education**, 300.
- Commissioner of Fisheries**, 302.
- Commissioner of Labor**, 302.
- Commissioner of Patents**, 257.
- Commissioner of Pensions**, 300.
- Commissioners**, United States, 425.
- Commissioners of Civil Service**, 304.
- Commit**: to refer or intrust to a committee, as a bill or other legislation; to send to prison; to put in charge of a jailer.
- Committee**: a body of persons appointed to examine or manage any matter.
- Committees**; enactment of laws expedited by, 91; power in Congress, 242; by whom appointed, 243; some important ones, 243.
- Common carrier**: one who undertakes to carry goods or persons for hire, 182.
- Common law**: the unwritten law, that receives its binding force from immemorial usage and universal custom as expressed in the judgments of the courts and not from any statutes now extant; recognized and established, 341, 342.
- Common pleas**, court of, in Pennsylvania, 75, 126; jurisdiction of, 126.
- Common schools**, 187-211.
- Commonwealth**: a term meaning the common "weal" or happiness, and properly applied to a body politic having a free or popular form of government.
- Commutation of sentence**: the shortening of a prisoner's term of confinement, or a mitigation of the severity of the punishment.
- Compromise**: an agreement reached, by the parties to a dispute, through concessions made on each side.
- Compromises of the Constitution**, 234; slave trade, 267; representation of States, 330; direct taxes, 332; regulation of commerce, 332; relation of the States, 333.
- Compulsory education**, in Pennsylvania, 199.
- Concurrent**: having the same right or claim; dealing with the same questions; agreeing in the same act or opinion.
- Concurrent powers**, defined and enumerated, 426.

- Confederate debt**, not to be paid, 251.
- Confirmation by the Senate**: the approval or sanction given by the Senate in secret session after due consideration of an appointment to office made by the President. Thus he may be said to act "by and with the advice and consent of the Senate."
- Congress (Continental)**, advises conventions in each colony, 212.
- Congress (of the Confederation)**, enacts the Ordinance of 1787, its chief glory, 326; passes an Ordinance putting the new Constitution into effect, 439.
- Congress**: the name given to the National Legislature consisting of two houses—the Senate and House of Representatives. It is also the name of so much of the continuous life of that body as comes within the full term of office of a Representative,—as the Sixty-first Congress, 1909–1911.
- Congress, National**, 229; bicameral, 229; representatives in, 230; delegates to, 230; ratio of representation in House, 230; number of Senators in, 232; must meet at least once every year, 241; long and short sessions, 241; extra sessions may be called by the President, 241; the term, "a Congress," 241; known by numbers, 241; regulation of adjournment of the houses, 242; history of number of special sessions, 242; members debarred from certain offices, 242; privileges and disabilities of members, 242; contests and quorum, 243; rules and journals, 243; expulsions, 243; committees, 243; mode of passing bills, 244; powers of, 248; delegated powers of, 248; power to tax, 248; duties levied, 249; direct taxes, 249; implied powers of, 261; powers denied to, 267–271; powers of Congress alone, 268; has power to regulate interstate commerce, 304; establishes and ordains inferior Federal Courts, 257; admits new States, 323; has power to establish territorial governments, 324; as a city council, 365; right to prohibit slavery in the Territories questioned, 432.
- Congressional Library**, 306, 397.
- Congressmen-at-large**, 231.
- Connecticut**, claims of, 27; plan of delegates in Convention of 1787, 331; requires educational qualification of voters, 434; ratifies Federal Constitution, 439.
- Conservation of forests**, 367.
- Constable**, of township, 47; of boroughs, 55; in cities, 62; in Philadelphia, 65.
- Constitution**: the fundamental, organic law or principles of government of the Nation or State; the law upon which all future laws must be based; the written instrument embodying such law, 215; every constitution a growth, 215, 349.
- Constitution of Pennsylvania**, text in appendix, i–xxxii; development of, 212; number of, 214; how amendments may be made, 222; recent amendments, 223.
- Constitution of the United States**, text in appendix, xxxiii–xlvii; the supreme law of the land, 226; a clear sketch of the fundamentals of good government, 226; how it may be amended, 328; compromises of, 330; discussions concerning, 332; ratification of, 333.
- Constitutional rights**, 275–283.
- Constructions of the Constitution**, broad, 263; strict, 263; powers delegated and implied, 262.
- Consul**: a person who represents his country at an important foreign commercial town. His duty is to protect the rights, commerce, travelers, and seamen of his country, and to increase the traffic with his country. Duties, etc., 289, 303; consular courts, 317; consular service, 421.
- Consulates**, 422.
- Contempt**: disobedience to the rules, orders, or process of a court, or of the rules or orders of a legislative body; such language or behavior as would disturb proceedings or impair respect due to authority.
- Continental Congress**, 212.
- Contraband of war**, 429.
- Contracts**, laws impairing, 221, 272.
- Controller** audits all city accounts, 61.

Convention of 1787, men present, 352.
 Conventions held for proposing amendments and for ratifying the Constitution, 328, 438.
 Conventions of political parties, 159, 160.
 Coolies evade the laws, 400.
 Copyrights, how secured, 256.
 Coroner, 78.
 Corporate powers of cities, 67.
 Corporations, origin and classes, 175; how created, 175; defined, 175, 177; power of the Legislature over, 177; Governor approves charter, 179; limitation of, by the government, other facts concerning, 178, 179, 380, 390.
 Corruption of blood, defined, 319.
 Cortelyou, George B., first Secretary of Commerce and Labor, 441.
 Council, borough, 56; city, 59.
 Counterfeiting, how punished, 254.
 Counties in Pennsylvania, 71-81; how erected, seats of government, officers, and salaries, 71, 72.
 Counting a quorum, 385.
 County courts in Pennsylvania, 80, 126; judges and jurisdiction, 126, 129.
 County-township system, 43; the county type, 41.
 Court of Claims, 316, 397.
 Courts in Pennsylvania, 125; county, 80, 126; superior, 132; supreme, 133; officers of, 131.
 Courts-martial, 261, 318.
 Courts of equity, 368.
 Courts of the United States, 227, 311; power of Congress to establish inferior, 257, 397.
 Crawford, W. H., 282.
 Credit, public, 250, 390.
 Crimes, grave and petty, 126, 127.
 Criminal courts in Pennsylvania, 126; relation to juvenile courts, 127; Governor's requisition, 99, 321.
 Criminal prosecutions, 340.
 Cruel and unusual punishments forbidden, 342.
 Cuba, relation to the United States, 324.
 Cumulative voting, 178, 373.
 Currency of the United States, 252, 391.
 Customs officers, duties of, 250.

Dartmouth College, famous case before the Supreme Court, 272.
 Davis, Jefferson, 433.
 Debt, of Pennsylvania, 83; limit of, 166; in cities, 170; no imprisonment for, 221; of the United States, 250; of the Confederacy of 1861, 251; of the Continental Congress, 329.
 Decentralization of power, 43, 53.
 Declaration of Independence, 337, 350.
 Deed: a written instrument conveying real estate to a purchaser, or person to whom it is given; it is signed and sealed in the presence of one or more subscribing witnesses.
 Deeds, recorder of, 76.
 Defendant: the person against whom a suit is brought.
 De jure: by right, of right, by law; opposed to *de facto*.
 Delaware, once a part of Pennsylvania by purchase, 26; included in the third judicial circuit, 314; not affected by the Emancipation Proclamation, 344; a banner State, 438.
 Delegated powers, 248, 262, 409.
 Delegates, rights of, in Congress, 230.
 Democracy, defined, 15, 384.
 Democratic party, strict construction a principle of, 263.
 Demonetization: withdrawing from use as money; the refusal of the Government to coin a certain metal into money; of silver, 392.
 Departments in great cities, 63.
 Departments of government, 82, 83, 227.
 Dependencies: territorial possessions belonging to the Nation, but not forming an integral part of the United States, 325.
 Deposition: the written testimony of a witness, made in due form of law, and sworn to or affirmed before an authorized magistrate.
 Despotism: a government in which there is practically no law but the will of the ruler.
 Dewey, Admiral George, on Naval Board, 299, 407.
 Directors of the poor, 79.
 Direct vote for President, 371.
 Direct tax, defined, 166.

Disability: lack of proper qualification for office; ineligibility.

Dispensaries in South Carolina, 344.

Distribution of powers, 426.

District attorney, in State courts, 76; of Federal Courts, 316.

District Courts of the United States, 315, 316.

District of Columbia, the Federal District, 261, 317, 365; slavery abolished in, 433.

Districts, senatorial and representative, 85; judicial, 128, 129; Congressional, 231.

Division of the executive power, 308.

Dix, John A., 433.

Domain: the territory over which the State or the United States exercises authority; the public lands.

Dower: that portion, usually one third, of a man's real estate which a widow is entitled to hold during her natural life; or that part to which a woman is entitled after the death of her husband.

Dred Scott, decision concerning, 345, 429, 432.

Dual Executive, Calhoun's plan for, 415.

Duelling disqualifies, 140.

Dutch, founding of New York by, 398.

Duties: taxes levied upon imported articles. *Ad valorem* duties are proportioned to the cost of the articles in the country from which they are brought, as shown in the invoice. *Specific duties* are proportioned to the quantity of the goods imported. Duties cannot be levied by a State, 166; must be uniform, 248, 249; how collected, 250.

Economic zoölogist, 106, 116.

Education, United States Commissioner of, 300.

Education in Pennsylvania, early ideals, 187; historic sketch, 187, 188, 189, 190; the unit of the system, 192; school directors, 193; property, State appropriation, expenditures, text-books, required studies, compulsory education, 187-198; high schools, 200-202; training of teachers, 203, 204; cer-

tificates, 202; institutes, 206; higher education, 210; supervising principals, 209; vocational schools, 209.

Election, districts and officers, 51; of U. S. Senators, 93; of Governor, 97; returns, 93; contested, 100; times of, 143; officers are privileged, 144; counting the vote, 151; results of, 152; primary, 159, 160.

Elector: a qualified voter; a person entitled to take part in an election. A Presidential Elector is a person chosen, by vote of the people, to elect the President and Vice President, 276-281.

Electoral Commission, 284, 372.

Electoral Count Act, 410.

Eligibility: the state of being legally qualified to be elected and to hold an office; conditions concerning various offices, 72, 86, 97, etc.

Ellsworth, Oliver, 352, 439.

Emancipation Proclamation, 344, 432.

Embargo: an order of the Government forbidding the departure of ships from the harbors of the United States.

Emigration, not forbidden, 222.

Eminent domain: the right to take private property for public use, notwithstanding the lack of the owner's consent; State, county, and township have this right, 17, 178; it is also exercised by oil pipe-lines and railroads, 181, 340.

Enacting clause, of State constitution, 217; of Federal Constitution, xxxiii.

Engineer, the city, 63.

England, new rulers-of, in 1688, 350.

Entering ships, 270.

Enumeration or census every ten years, 301.

Equalization of taxes, 167.

Equity: the giving to each man his due according to natural justice and right; relation to law, 368, 370.

Evans, Rear Admiral Robley D., 408.

Evidence: that which is legally submitted as a means of determining the truth of any matter of fact under investigation before a court.

Ewing, Thomas, Cabinet officer, 441.

Excessive fines forbidden, 342.

- Excises**, defined, 204; a source of Federal revenue, 204.
- Execution**: the carrying into effect the judgment given in a court of law.
- Executive, the Chief**: an impersonal title of the President of the United States.
- Executive boards and commissions**, 113.
- Executive Department**, of the State, 97-117; of the United States, 274-309.
- Executors**: persons named in a will who are to settle the estate of the deceased person according to the provisions of the will, 76.
- Expansion**, relation to the Pacific, 402.
- Expenditures**, National, 391.
- Exports**: goods sent out of a country in the course of trade. No duties levied on, 166.
- Ex post facto laws**, defined, 269; Congress must not pass, 269; refer to crimes only, 269.
- Expulsions**, powers of each house, 90.
- Extradition**, defined, 321; power to surrender certain persons belongs only to the Federal Government, 321.
- Extra sessions**, of the State Legislature, 99; of Congress, 240; history of, 241.
- Factory inspector**, 109, 116.
- Family**, the simplest social unit, 11.
- "Father of the Constitution,"** James Madison so called, 437.
- Federal**: pertaining to or belonging to the Union or the United States.
- Federal Courts**, jurisdiction of, 311.
- Federal district attorney**, 316.
- Federal Government**, outline of, 226-227.
- Federal marshals**, 316.
- Federalist**, series of papers, 332, 369, 437.
- Fees**: compensation for official services, usually fixed by custom or regulated by law.
- Felony**: any crime of a serious nature; especially a crime punishable by imprisonment or death.
- Feudalism**: a state of society based upon personal relations growing out of the ownership of land. The term *feud* or *fief* signifies the land which was held on condition of military service.
- Filibustering**: a term used to describe the use of obstructive and dilatory tactics by a minority, in order to prevent the vote on a measure to which they are strongly opposed; bills defeated by, 244; counting a quorum, 385.
- Fillmore, Millard**, becomes President, 285.
- Finances of the Federal Government**, 391.
- Fine**: a payment of money imposed upon a party as a punishment for an offense; excessive, forbidden, 342.
- Fire marshal**, the, 62.
- Fisheries**, commissioner of, in Pennsylvania, 115.
- Fiske, John**, opinion of, 352.
- Flag Day**, 405.
- Florida**, two sets of Electors in, 284.
- Foreign postage**, rates for, 255, 256.
- Forestry**, commissioner of, 115.
- Forgery**: the crime of fraudulently making or altering any writing or signature purporting to be made by another; the false making or material alteration of any record or written instrument for fraudulent purposes.
- Forms of government**, 14.
- Fort Fisher**, 408.
- Frame of government**, Penna's, 33; outline of, 34; that of 1701, 37.
- Franchise**: a right or privilege enjoyed by the citizen of a country. The privilege of voting at elections is called the elective franchise, 141.
- Franchise tax**: a tax assessed upon the value of a right or franchise granted. Thus a corporation may pay a franchise tax for the right, conferred by a city council, to operate a trolley line upon a certain street.
- Franklin, Benjamin**, sent to England, 38; president of State convention in 1776, 212; in the Constitutional Convention, 352.
- Free coinage**, defined, 391; of silver, 392; of gold, 392.
- Freedom**, defined, 18; perfect religious-35; elections free and equal, 219.
- Freedom of the press**, 219, 338.
- Free School Act of 1834**, 188.
- Free speech**, 338.

Free trade defined, 249.

French-Canadians, 399.

Fugitive slaves, laws concerning, 322.

Garfield, James A., a minority President, 284, 286.

General Assembly, first, 31; small power of, 34; members of, as now constituted, 85; term of service, 86; sessions, 86; salary of members, 87; privileges of members, 87; organization of houses, 87; forms of legislation, 89; when Acts go into effect, 94; adjournment, 94.

General Staff, members of, 296.

Georgia, 267, 438; sued by Chisholm in the Supreme Court, 343.

German immigrants, 398.

Gerrymandering, 232.

Gibson, Judge John B., 365.

Gladstone, a statement made by, about the Constitution, 351.

Goethals, Col. George W., 428.

Gold certificates, 253.

Gold coins, denominations of, 395.

Gold, monetary value of, 395; amount in circulation, 392, 393.

Government, defined, 14; knowledge of necessary, 11; forms of, 15; object of, 16; dependence of, 31; Penn's frame of, 33; when free, 33; local units of government, 38; types of local, 41; elemental unit of civil, in Pennsylvania, 45; decentralization of, 53; threefold division of powers of, 82; other features of State, 83; bases of government in Pennsylvania, 212; State constitutions, 214; the only State at first establishing a single House of Assembly, 215; the people supreme, 216; constitutions a growth, 217; outline of Federal, 226; branches of National, 227; receipts and expenditure of, 391.

Governor, powers of, under the Frame of Government, 34; may call special sessions of Legislature, 86; legislative powers of, in Pennsylvania, 93; may adjourn Legislature, 94; duties of, 97; supreme executive power vested in, 97; election of, 97; cannot serve two consecutive terms, 98; residence and

salary, 98; powers of, 99; messages, 99; office of, never vacant, 100; veto power of, 100; appoints officers, 98, 108-115; requisition in case of fugitives, 99, 321.

Grades of culture, 12.

"Grandfather clause," 347; in Louisiana and Alabama, 434.

Grand jury: a jury of not less than twelve men, nor more than twenty-three, whose duty it is to inquire into accusations of crime and to find bills of indictment if just cause exist, 120, 121.

Grand jury in United States Courts, 339.

Grant, U. S., did not receive third term, 276.

Great Britain, 409.

Great Law, the, 35; features of, 36.

Great seal, the, of Pennsylvania, 106; keeper of, 102.

Greenbacks, facts concerning, 393, 394.

Greenback party, demands of, 394.

Gresham's maxim, 394.

Guam island, government of, 324, 404.

Guardian: one who has the custody of the person or property of an infant, a minor, or a person incapable of managing his own affairs; appointed by the probate or orphans' court, 370.

Guthrie, Mayor George W., 364.

Habeas corpus, "Have the body": a writ having for its object the bringing of a person before a judge or court, especially for the purpose of inquiring into the cause of the person's imprisonment or detention by another, with a view of protecting his right to personal liberty, 130, 132, 134, 220; Congress has power to suspend, 268; suspension of writ by Lincoln, 268.

Hague Peace Conference, how disputes may be readily settled, 416.

Hamilton, Alexander, broad construction of the Constitution, 263; relation to "The Federalist," 332; famous report on public credit, 390; other facts concerning, 336, 352, 369, 440, 441.

Hancock, John, 439.

Harrisburg, capital of State, 98; other facts, 133, 135.

- Harrison, Benjamin**, had less votes than Cleveland, 372; other facts, 280, 284.
- Harrison, William H.**, dies in office, 285.
- Hawaii**, facts concerning, 251, 403, 404.
- Hayes, Rutherford B.**, became President by decision of Electoral Commission, 285, 372.
- Health**; board of, 55, 62, 112, 162; township board as, 194.
- Henry, Patrick**, opposition of, to the Constitution, 262; other facts, 262, 439.
- High schools**, value of, 200; how graded, 201; courses in, and State aid given, 202.
- High Seas**: the open sea; that part of the sea not within the territorial limits of any particular country, usually distant three miles or more from the coast line at low watermark.
- Highway**: a road or way open to the use of the public.
- Highway commissioner of Pennsylvania**, salary of, 115; duties of, 173.
- Homestead Act**, 327.
- Homicide**: the killing of one human being by another. It is of three kinds: justifiable, excusable, and felonious. The latter may be either manslaughter or murder.
- Honesdale**, first run of the "Stourbridge Lion," 185.
- Hongkong**, Dewey departs from, 407.
- Houck, Henry**, deputy State superintendent, 191.
- Householders**, rights of, 339.
- House of Representatives**: the popular branch of Congress, composed of Representatives chosen every second year by the people. A corresponding branch of a State Legislature. See under Representatives.
- Huguenots**, immigration of, 398.
- Humphries, W. H.**, impeachment of, 239.
- Idaho**, Chinese laborers in, 417.
- Illiterate negro males**, 339.
- Immigration**, 398; restrictive legislation, 399.
- Immunities**, of members of Congress, 241.
- Impeachment**: a charge or accusation against a public officer for corrupt conduct in office, 93, 100, 138; in Legislature, 93, 100; in Congress, 238; other facts, 138, 139, 239, 289, 387.
- Implied powers of Congress**, 261; Thomas Jefferson's construction of, 263, 409.
- Importation of slaves prohibited**, 267.
- Imports**: merchandise brought into a country.
- Import taxes**, 249, 270.
- Impost**: a tax laid by government on goods imported.
- Inauguration of President and Vice President**, 286, 287, 418.
- Income tax**: a tax levied upon income, profits, etc., or on the excess of these beyond a certain amount; used during war, 249; the amendment, 442.
- Incompatible**, certain offices, 139.
- Indians**, untaxed, not represented, 331; in tribal relations are not citizens, 346.
- Indian Territory**, 419.
- Indictment**: the formal statement of an offense, as drawn up by the district attorney, and found by the grand jury. An indictment to be valid must be indorsed "A true bill" by the grand jury. It serves as a basis for the trial of the accused person, 120, 121.
- Individual rights enumerated**, 16.
- Individuals cannot sue States in Federal Courts**, 343.
- Industrial education**, 209, 435.
- Inflation**, safeguard against, 254, 393, 394.
- Information**: a written accusation, presented under oath, by a district attorney to a court having jurisdiction of the offense charged therein.
- Information and advice**, the Governor may require from officers of executive department, 99.
- Inheritance tax**: a special form of income tax levied upon property acquired by inheritance or will, 168.
- Initiative**: the proposing of measures by the popular voice. The right to introduce a new measure in legislation; as, the initiative in respect to revenue bills is in the House of Representa-

- tives. In Switzerland, the right of petition has become the right of initiative in legislation, 374-377.
- Injunction:** a writ or process, granted by a court, whereby a party is required to do or to refrain from doing certain things; generally the writ prevents the action, although by no means confined to that use, 370, 371.
- Insolvency:** the condition of one who is unable to pay his debts as they fall due. An insolvent person is said to be bankrupt.
- Insolvent laws:** laws by which debtors are exempted from arrest or imprisonment for debts previously contracted, on condition of giving up all their property for the benefit of their creditors. Insolvent laws passed by States must not conflict with National bankrupt laws, 252.
- Inspectors,** of election in townships, 46; of election, how chosen, 52; of prisons, 80; of mines, 112.
- Institutes,** 206.
- Insurance,** commissioner of, in Pennsylvania, 111, 115.
- Insurrection,** suppression of, 74; domestic violence, 327, 417.
- Intemperance,** control of sales of liquor, 344.
- Interior,** Department of the, 300.
- Interior,** Secretary of, 300, 441.
- Internal affairs,** secretary of, 102, 113.
- Internal revenue:** that revenue which is derived from taxes laid upon domestic products, such as distilled liquors, tobacco, oleomargarine, etc. It includes also the fines levied for violations of the internal revenue laws. Sources of, 249.
- International law:** the rules regulating the mutual intercourse of nations. These are founded upon custom, treaties, and the dictates of reason, humanity, and utility. The sum of the rules or usages which civilized states have agreed shall be binding upon them in their dealings with one another. Matters relating to, under control of National Government, 257.
- Interstate Commerce Commission,** 182, 251, 301, 304, 390.
- Iowa,** a famous battleship, 261, 408.
- Ireland,** immigrants from, 398.
- Isthmian Canal Commission,** 308, 324, 428.
- Isthmian Canal Zone,** 428.
- Invasion:** the hostile and forcible entrance of an army into a foreign country.
- Jackson, Andrew,** did not originate spoils system, 414; other facts, 330, 413, 428.
- Japan,** treaty with, 415.
- Japanese** cannot be naturalized (Mongolians), 251.
- Jay, John,** 332, 352.
- Jefferson, Thomas,** elected President by the House of Representatives, 282; aided by the Senate, naturalized the people of Louisiana by treaty, 252; leader of the strict constructionists, 263; other facts concerning, 252, 276, 352, 384, 415, 444.
- Jeopardy of life and limb:** the peril or danger of imprisonment, maiming, or death. The cruel punishments which dismembered the body are no longer inflicted. If a man has been once acquitted, he cannot be tried a second time for the same offense, 219, 340.
- Johnson, Andrew,** impeachment of, 239, 387; succeeds Lincoln, 285.
- Johnson, R. M.,** 283.
- Joint rules:** rules adopted by the Senate and House of Representatives for mutual convenience in the transaction of business.
- Journal,** the minutes of the proceedings of each branch of the Legislature, and of Congress, 91, 242. These records are very brief, and are similar to the minutes of any ordinary society. The Congressional Record, printed daily at the government printing-office while Congress is in session, is a *verbatim* report of all that takes place in Congress. It is printed from the shorthand notes of the official reporters.
- Judge-Advocate-General,** 296.

Judges in Pennsylvania, 80, 129, 130, 132, 133, 135, 136.

Judges in United States Courts, 312, 314, 315, 317; in Pennsylvania, 314, 315.

Judgment: the decision or sentence pronounced by the court upon any matter contained in the record, or in any case tried by the court. In civil cases the decision is called *the judgment*, and in criminal cases *the sentence*. The carrying out of the sentence or judgment of the court is known as *the execution*, 124.

Judicial power in Pennsylvania, wherein vested, 125.

Judicial power of the United States, 310, 311, 312-320.

Judicial proceedings in each State have faith and credit in all, 321.

Juries, in Pennsylvania, a justice's jury, 46; a coroner's jury, 78; jury defined, 119; grand jury, 120; a petit jury, 121; drawing of jury panels, 122; selecting a jury, 123.

Jurisdiction defined, 125; original, 125; appellate, concurrent, 126; of supreme court of State, 133.

Jury: a body of men, usually twelve, qualified and selected as the law prescribes, impaneled and sworn to try a matter of fact, and to render their true verdict according to the evidence legally given in the case.

Jury, right of trial by, jealously guarded, 118; crimes must be tried by, in Federal Courts, 318.

Jury commissioners, 80; the sheriff assists in drawing juries, 74.

Justice: Justice and equity are the same; but in law the terms are differently applied. Human laws, though designed to secure justice, are necessarily imperfect; hence an act which is strictly legal may be far from equitable or just. Courts of equity are designed to redress such grievances. Justice contemplates right according to the established law; equity contemplates right according to the law of nature, 368, 370.

Justice, Department of, 297.

Justice of the peace, 46, 47, 126.

Juvenile Court, 127.

Kansas, strife in, 432.

Keystone State, the, 23.

Kidnapping: the forcible taking and removing of a person for evil purposes.

King: The titles, king, emperor, czar, etc., are applied to the personal rulers who in monarchies control the government, appoint the principal officers of State, and to whom, in theory at least, these persons are responsible. The amount of power actually exercised, and the responsibility borne by the ruler, vary in different countries, and determine the classification of the governments therein exercised.

King, Rufus, 352.

Knowledge of government, 11.

Knox, Henry, Secretary of War, 441.

Labor, relation to lockouts and blacklists, 417.

Lands, public, 325.

Laws, the function of government to make and execute, 11; called Acts of Assembly in Pennsylvania, 85; must conform to the Constitution as the supreme law, 90; *ex post facto*, forbidden, 269; how made, 92, 243, 244; common law, 341.

Legal tender: that money or currency which the law authorizes a debtor to offer and requires a creditor to receive, 252.

Legislation in Pennsylvania, 89; how checked, 89, 90; special legislation forbidden, 90.

Legislative Department, of township, 48, 52; of borough, 56; of city, 60; of State, 85-96; of Nation, 229-273.

Legislature of Pennsylvania, 85-96; duties of, 85, 89; sessions of, 86; members must not hold other offices, 86; organization, 87; range of powers, 90.

Liberty defined, 18; and law, 359.

Librarian, State, 109, 115; of Congress, 256, 306.

Lien: a legal claim; a charge upon real or personal property for the satisfaction of some debt or duty.

- Lieutenant General**, 296.
- Lieutenant Governor of Pennsylvania**, presides over the Senate, 87; qualifications and duties, 98; a member of various boards, 113, 114, 115.
- Life-saving Service**, 423.
- Lincoln, Abraham**, 284, 285, 290, 344, 409, 411, 433; issues the Emancipation Proclamation, 344; approves formally the Thirteenth Amendment, 345; coins in honor of, 424.
- Lobbying**: the urging of the adoption or passage of a bill by soliciting members of a legislative body; usually a pernicious use of influence.
- Local government in Pennsylvania**, 40-81, 363, 364, 365.
- Local option**: the right of determining by popular vote within township, borough, city, or county, whether alcoholic beverages shall be sold within the civil division concerned.
- Location of the National capital**, 440.
- Lockouts and blacklists**, 417.
- Loose constructionists**, 263.
- Louisiana**, has code Napoleon, 341; wholesale naturalization in, 251; "grandfather clause" in, 434; other facts, 284, 342, 435.
- Louisiana Purchase**, 252.
- Lycoming county** largest, 71.
- Lynching**, prompt trial prevents, 341.
- Madison, James**, services in framing the National Constitution, 332, 352, 437; chosen President in 1809, 438.
- Magistrates in cities in Pennsylvania**, 64.
- Magna Charta**, 221, 337, 350, 382-384.
- Mahan, Rear Admiral Alfred T.**, 427.
- Majority and plurality** defined, 153.
- Mandamus**: a writ issued by a Superior Court and directed to an inferior court, or some corporation or person exercising authority, commanding the performance of some specified duty, 134.
- Manila**, naval victory at, 407.
- Manufactures**, 324.
- Marcy, William L.**, 402.
- Maritime War**, 430.
- Marque and reprisal**, 261.
- Marshal of the United States Court**. a Federal sheriff, 316.
- Marshall, John**, Chief Justice, 272, 408, 415.
- Maryland**, boundary line of, 27; adopts the Federal Constitution, 439.
- Mason and Dixon Line**, 27, 432.
- Massachusetts**, 27, 259, 336, 347, 439; has an educational qualification required of voters, 347, 434.
- Mayor**, chief executive officer in a city, 59, 63, 65.
- McKean, Thomas**, advocates adoption of the Constitution, 438.
- McKinley, William**, President, 286, 404.
- Mechanics' liens**, 75.
- Medical council**, members of, 114.
- Memorial Day**, 416, 437.
- Mercantile appraiser**, duties of, 78.
- Merchant**, defined, 400.
- Merit system in consular service**, 421.
- Messages**, the Governor's sent to the Legislature, 99; of the President to Congress, 289.
- Mexico**, Chinese from borders of, 401.
- Michigan**, gives divided vote, 280.
- Military Academy at West Point**, 297, 405.
- Military board of Pennsylvania**, who composed of, 114.
- Militia**, of whom composed, 108; the National Guard a part of, 109; bill of rights makes possible, 221; subject to the orders of the President, 258.
- Mines**, chief of department of, 112.
- Minister**: a person sent to the capital of a foreign nation to transact diplomatic business.
- Ministers, foreign**, how appointed, 289; rank of, 302; duties of, 303; chargé d'affaires, 303.
- Minor**: a person who has not attained the age at which full civil rights are accorded. If an alien dies after declaring his intention, his minor children and wife become citizens upon taking the oath required.
- Minority**: The smaller number, as of a legislative body;—opposed to majority. State of being under age.
- Minority Presidents**, 283, 284.

- Minority representation**, 80, 373.
- Mints**, where located, 252.
- Minutes**: the record of the proceedings of some body.
- Misdemeanor**: a lesser kind of crime; an indictable offense not amounting to felony.
- Mississippi**, the "understanding clause," 434.
- Missouri Compromise**, 429, 432.
- Mixed**, or compromise system, 42.
- Monarchy**, defined, 14; not permitted to States, 327.
- Money**, forms and substitutes, 252; right to coin, 252; punishment for counterfeiting, 254; can be drawn from the Treasury only by means of appropriation laws, 270; amount in the United States, 391.
- Money orders**, 256.
- Monometallism**, prevails, 392, 393.
- Monopoly**: the exclusive possession of anything, as a commodity or a market; the sole right to buy, sell, or manufacture any article; growth of, 390.
- Monroe Doctrine**, 402, 404, 413, 427.
- Monroe, James**, details of his celebrated doctrine, 413.
- Montejo, Admiral Patricio**, 407.
- Montour county**, smallest, 71.
- Monument at Cold Harbor**, 365.
- Moral rights and duties**, 18, 326, 359.
- Morris, Gouverneur**, 352.
- Mortgage**: a written instrument securing the payment of a debt. Should be signed by husband and wife, acknowledged before a legal officer, and recorded, 76.
- Municipal corporations**, 175.
- Municipalities**, vital problems in, 68.
- Murder**: the taking of human life unlawfully or maliciously with intent to kill, 127.
- Name of Pennsylvania**, how given, 30.
- Nation**, defined, 13; the seed of a, 36.
- National banks**, 394; bank notes of, not legal tender, 253; how notes are issued and taxes paid, 394.
- National Capitol**, 440.
- National Conventions**, delegates and committees, 162, 279.
- National Guard**, the, 108.
- National Museum**, 308.
- Naturalization**, 19, 20, 154; requirements, 251; of Chinese expressly prohibited, 20; controlled by Congress, 251; wholesale, 251; not essential to voting, 252.
- Nautical Almanac**, 299.
- Naval Academy**, location and course of study, 300.
- Naval Observatory**, 299.
- Navy**, Department of the, 441.
- Navy of the United States**, 257, 261; Congress provides and maintains, 257; officers of, not subject to impeachment, 261; other facts concerning, 261, 299, 300, 402.
- Negro suffrage**, 346, 434.
- Nevada**, admitted with only 60,000 inhabitants, 323.
- New England**, political units in, 41.
- New Hampshire**, 272, 336, 434; ratifies the Federal Constitution, 439.
- New Jersey**, 13, 314; the Jersey plan, 330; ratifies the Constitution, 438.
- New States**, admission of, 323; Oklahoma, 419.
- New York**, 25, 37; gives narrow majority for Cleveland, 284; asks for amendments, but ratifies the Federal Constitution, 284, 439.
- Nihilism**: the negation of all government.
- Nobility**, titles of, 222, 271.
- Nolle prosequi**, "Will not prosecute": an entry denoting that the plaintiff discontinues his suit, or that the prosecutor will go no further with the case. In a criminal case it discharges the defendant, but does not operate as an acquittal.
- Nomination**, methods of, 160; State and National Conventions, 161; nomination papers, 163; of Presidential candidates, 278; of Presidential Electors, 279; direct, 379.
- Nonregistered voters**, 149.
- Normal schools**, 203.
- North Carolina**, did not prohibit foreign slave trade, 267; asks for amend-

- ments, being slow to ratify Constitution, 336, 440.
- North Dakota**, one populist Elector exercises freedom of choice, 280; black-listing in, 417.
- Northwest Territory**, 326.
- Notary public**, 114, 139.
- Nullification**, defined, 428; destroyed by President Jackson, 429.
- Oath**: a solemn declaration made with an appeal to God for the truth of what is affirmed; a solemn promise to tell the truth, the whole truth, and nothing but the truth.
- Oath of office**, a constitutional requirement, 139, 234; of Representatives, 234; of Senators, 238; officers take oath to support the Constitution, 330.
- Obligation of contracts**, 272.
- Occupation tax**, defined, 142.
- Officers**, of election districts, 51; of townships, 50, 52; of county, 71; salaries of State, 115, 116; of the House, 232; of the Senate, 236; of the army, 296; of the navy, 300; how supplied, 297, 300.
- Oklahoma**, proclamation by President Roosevelt on admission of, 419; largest town of, 420.
- Oligarchy**, how developed, 385.
- Olympia**, a famous battleship, 407.
- Order of succession**, of State officers, 100; to the Presidency, 285.
- Ordinance**: a local law enacted by a borough or city council, 56. Also certain laws passed by Congress under the Confederation: as the Ordinance of 1787 relating to the Northwest Territory, 326, 344, 359; one of the agencies in the abolition of slavery, 432.
- Oregon**, gives one Electoral vote for Weaver, 280; school fund of, 320; famous battleship, 259.
- Organization of Government in 1789**, 352.
- Original jurisdiction**, defined, 125; of the State courts, 132, 133; of the Federal Courts, 311, 314.
- Orphans' court**: a court which deals with the proving of wills, the settling of the estates of persons deceased, and the protection of the property of orphans; called also the probate court, 76, 136, 370.
- Osgood, Samuel**, the first Postmaster-General, 441.
- Overseers of the poor**, 48.
- Oyer and Terminer**: a term used to designate certain criminal courts which have jurisdiction in cases of murder, forgery, robbery, burglary and other grave crimes, 126.
- Panama**, the canal, 427; the independence of, recognized, 427; the Canal Strip, 428.
- Panel**: a piece of parchment or a schedule containing the names of jurors summoned by the sheriff; hence, more generally, the whole jury, 122.
- Paper money**, right to issue implied, 252; various kinds, 253; National bank notes, 253, 394.
- Pardon**: an absolute release of a person from the punishment of a crime of which he has been convicted; an official warrant for the remission of a penalty.
- Pardoning power**, of the Governor, 99; of the President, 289.
- Parliament**, English, example followed, 229; confidence of, 350.
- Party**, defined, 158; how formed, 158; organization and campaigns, 159; how nominations are made, 159, 160; conventions of, 162; principles of, 263.
- Passport**: a document issued by the Secretary of State and under his seal, informing the world that the bearer is a citizen of the United States and travels under such protection. It secures to bearer all the rights and privileges granted by treaties with the various countries.
- Patents**, how obtained, 256.
- Patriotism**, its value, 21, 358.
- Pearl Harbor**, naval base at, 402.
- Peck, James H.**, impeachment of, 239.
- Penn, William**, founder of the Commonwealth, 30; receives Pennsylvania from Charles II, 30; enacts the "Great Law" by the aid of the people, 35;

- gives a practical constitution, 36; dies in 1718, 37; claims of heirs settled, 38; principles of government, 361.
- Pennsylvania**, importance as a State, 24; boundaries, 25; Mason and Dixon, 27; named in honor of Admiral Penn, 30; treaty with Indians, 31; first General Assembly, 31; early government of, 33-39; system of local government, 42; elemental unit, 45; local government in, 40-81; legislative department, 85-96; executive department, 96-117; judicial department, 118-137; voting qualifications in, 141; taxes in, 168; early constitutions of, 214; present constitution, i-xxxii; ratifies the Federal Constitution, 438.
- Pension**, facts concerning, 424.
- Perjury**: the crime committed by a person who swears willfully, absolutely, and falsely to the truth of a statement which he knows to be false.
- Petit jury**, defined, 121.
- Petition**, right of, 221, 338.
- Philadelphia**, leading officials, 63, 64; public schools of, 65; sessions of superior court and supreme court in, 133, 135; Constitutional Convention met in, 349.
- Philippines**, 256, 296, 324.
- Pickering, John**, impeachment of, 239.
- Pinckney, Charles C.**, 352.
- Piracy**: robbery on the high seas, 257.
- Pittsburg**, plan of government of, 65; sessions of superior and supreme courts held at, 133, 135.
- Plaintiff**: the party that begins an action in the courts,—opposed to the defendant, 123.
- Platform**: a statement of the political principles upon which a party proposes to stand, 159.
- Plurality**, defined, 153; elects, 153.
- Pocket veto** defined, 244.
- Police magistrates** in cities, 67.
- Policemen**, constables of the city, 62.
- Political parties**, 158, 159, 160, 162, 228.
- Poll tax**, 249; defined, 269.
- Poor**, care of, 48, 80.
- Population**, 20, 25, 45, 308.
- Ports of entry**, 270.
- Porto Rico**, 256, 324.
- "Posse comitatus,"** defined, 47; by the sheriff, 74.
- Postage stamps**, 396.
- Postal matter**, classes of, 255; rates of postage, 255, 256, 298.
- Postal Savings Banks**, 396.
- Postmaster-General**, order of succession to the Presidency, 286; duties of, 297, 298.
- Postmasters**, how appointed, 289, 297; classes, 298; how salaries are determined, 299; number of, 299.
- Post Office Department**, 297; universal Postal Union, 299.
- Power**, a sovereign, 165; vesting the taxing, 167; military subordinate to civil, 221; excepted, 222; scope of Federal, 226; Congress in regard to Territories, 324.
- Powers denied**, to Congress, 267-271; to States, 271; to the Federal Government, 426; to both Federal and State governments, 427.
- Powers of Congress alone**, 268, 290.
- Powers reserved to the people**, 342.
- Powers**, under the Constitution, 426; concurrent, 426; the three prohibitions, 427; implied and delegated, 408.
- Preamble**: the introductory clause of a constitution or statute, which sets forth the reasons and intent in the passage of the law. The preamble of the Constitution is also its enacting clause, since it gives the act all its force and effect, 217, xxxiii.
- Presentment**: a written accusation set forth by the grand jury, upon its own initiative, without waiting for a bill of indictment laid before them by the district attorney, 120.
- President**, represents the unity and power of the Nation, 227, 275; qualifications, 275; how chosen, 276-283; party nominations for, 278; meeting of Presidential Electors, 280; when chosen by the Representatives, 282; changes in method of election suggested, 284; Electoral Count Act, 285; inauguration of, 286; law of succession, 285; salary of, 287; official resi-

- dence of, 236; powers and duties, 287; cannot pardon in cases of impeachment, 289; makes treaties and appointments, 289; receives foreign ambassadors and ministers, 289; commissions officers, 289; appoints diplomatic representatives, Justices of the Supreme Court, 289; commissions officers, 289; messages of, 289; veto power of, 290; appoints Cabinet, 289; powers of, 411; other facts concerning, 274, 276, 280, 282, 283, 284, 287, 289, 294, 333, 344, 371, 414, 415.
- President pro tempore** of the State senate, appoints committees, 87, 91.
- Presidential Electors**, 276, 278, 280, 281, 371.
- Presidential succession**, law of, 285.
- Press** must be free, 18, 219, 338.
- Previous question**: a motion made in a parliamentary assembly in order to determine whether it is the will of the body to vote at once without further debate upon the subject under discussion. "Shall the main question be now put?" If decided in the affirmative, the matter must be voted upon as it then stands, without debate or new amendments. In the United States House of Representatives, a negative decision keeps the business before the body as if the motion had not been made.
- Primary**: a meeting of the voters of the party for the purpose of nominating candidates for local offices or the selection of delegates to nominating conventions. At a *primary election*, each voter casts his vote directly for the person whom he desires to have nominated, just as he does in the regular election, 159.
- Prison inspectors**, 80.
- Privateering**, 261.
- Privileges and immunities**, 87, 241.
- Probate courts**, 370.
- Probation Court**, a name commonly applied to the juvenile court, 127.
- Process**: the entire proceedings in a legal action from beginning to end. The means taken for bringing the defendant into court to answer to the action; a general or generic term for judicial writs.
- Prohibition**: the forbidding by law of the sale of alcoholic liquors as beverages. The "Maine Law of 1851" prohibits the sale and manufacture of intoxicating liquors except for medicinal and mechanical purposes.
- Prohibitions**, 267-271, 426.
- Property tax**, 170.
- Proprietary**: relating to a form of government, in which the governor owned the land or held it under charter granted by the king.
- Prosecuting attorney**, duties of, 365.
- Prosecutor**: the person who institutes and carries on a criminal suit against another in the name of the government.
- Protection**, defined, 249.
- Pro tempore**: for the time or occasion.
- Prothonotary**, duties of, 75.
- Proxy**: a person appointed to act or vote in place of another. Stockholders can vote by proxy at the election of directors.
- Public credit**, 250; Hamilton's report on, 390.
- Public lands**, 325, 326, 327.
- Public schools**, 49, 51, 61, 65, 79; history of, in Pennsylvania, 187-211.
- Punishments**, cruel and unusual, forbidden, 342.
- Purchase of claims of Penn's heirs**, 38.
- Pure food**, laws concerning, 389.
- Qualifications of township officers**, 46; of borough officers, 55; of city officers, 59-68; of county officers, 72; of senators and representatives, 86; of State officers, 97, 104, 105, 109, 112, 113; of judges, 129; of voters, 141; of Representatives, 231; of Senators, 235; of President, 275; of Secretary of Treasury, 296; no religious test, 330.
- Quarantine**: any forced stoppage of travel or communication on account of malignant contagious disease, on land as well as by sea.
- Quarter sessions court**, 55, 75, 126.
- Quartering soldiers upon the people** forbidden except in war, 221, 339.

Quorum: the number of persons in any organized body necessary to do business, 90, 242, 282, 385. Unless some other number is required by law, a majority of the number of members constitutes a quorum.

Railroads in Pennsylvania, right of eminent domain, 181; powers as common carriers, 182; other facts concerning, 180-185; limitations of, 305, 380.

Randolph, Edmund, 352, 441.

Ratification: the act of making valid or confirming. To ratify a treaty or a constitution is to give consent thereto in the prescribed manner of the Constitution, 333, 438; of the amendments, 336-346, 442.

Ratio of Representation: the fixed number by which the population of a State is divided in determining the number of representatives to which a given State is entitled in an apportionment of Representatives in Congress, 230. The term is also applicable to the apportionment of State representatives in General Assembly, although the test of equalization is not carried out in practice, 94.

Rebates prohibited, 305.

Rebellion: an organized uprising of the people for the overthrow of the government by force. A revolution is a successful rebellion. Debts of Confederate States must not be paid by the United States, 251.

Recall, the, defined, 377.

Receipts and expenditures, 391.

Reciprocity: the granting of equality between the citizens of two countries with regard to commercial privileges to the extent provided in a treaty concluded.

Recorder of deeds, duties of, 76.

Records of States valid, 321.

Reed, Thomas B., decision in counting a quorum, 385.

Referendum, defined, 374, 375-377.

Register of wills, duties of, 75.

Registration, manner of, 142, 149.

Religious freedom, 338.

Religious tests, none, 330, 338.

Removal from office, 139, 238.

Representation of minority, 73, 80, 373.

Representatives in the General Assembly, 85-96; qualifications, election, and term of office, 86; organization, 89; rules, journals and votes, 90; speaker appoints committees, 91; secret sessions of, 90; sole power of impeachment, 93; new apportionment, 94.

Representatives in National House, chosen for two years, by the people, 229; number of, 229; ratio of representation, 230; number for Pennsylvania, 230; qualifications of, 231; need not be residents of their districts, 231; members not "officers" of the United States, 231; "gerrymandering," 232; filling unexpired terms, 232; officers of the House, 232; compensation of, 234; salary of the Speaker, 234; "Father of the House," and oath of office, 234; special session of Representatives never called, 241; not to be questioned as to speech or debate, 241; may not hold office under United States during term, 241.

Reprieves, by whom granted, 99, 289.

Republic, defined, 15.

Republican form of government guaranteed to the States, 327.

Republican party, 263.

Repudiation of public debt forbidden, 251.

Repudiation of Confederate debt, 251.

Requisition, Governor's, for fugitives from justice, 99; defined, 321.

Residence defined, 20; 21, 149.

Residence of the Governor, 98.

Resignation: the giving up of an office before the term of office has expired.

Resolution, concurrent, 345.

Revenue bills must originate in the House, 240, 243.

Rhode Island, late in ratifying, 333, 440.

Rights, 16, 17, 18, 19, 21; declaration of, 217; various, 217-222; reserved, 223; bill of, in first ten amendments, 337; of individuals, 358.

Right of Way: the right to pass over the land of another to reach the highway or for other purposes. It may

- arise either by grant or prescription. Once acquired, the right remains unless surrendered. If roads are obstructed in any way, as by snow or floods, the right of passage over adjoining lands remains until the obstruction is removed.
- Rivers, pollution of, 366.**
- Road commissioners, 48.**
- Road jury, duties of, 174.**
- Roads, facts regarding, 173, 174.**
- Robbery: the taking of property from another by force, or through fear of injury, 127. Piracy is robbery committed at sea, 256.**
- Roosevelt, Theodore, becomes President, 286; takes oath of office in Buffalo, 415; other facts, 423, 427, 428.**
- Root, Elihu, arbitration treaty, 415.**
- Rule: that which is laid down as a guide for action; a governing direction for a specific purpose; a special order by the judge of a court; an order regulating the practice of the courts, or an order made between parties to a suit; the administration of law or government.**
- Rules of Congress, how made, 200; importance of committee on, 243.**
- Rules of order, in Legislature, 90.**
- Rural free delivery, 256, 395.**
- Safety, department of public, 66.**
- Salaries of county officers, 72.**
- Salaries of Federal officers, 420.**
- Salaries of officers in Pennsylvania, 115, 116.**
- Salvage: a compensation given to persons for saving property that has been abandoned at sea.**
- Samoa Islands, how governed, 324.**
- San Francisco, the great fleet at, 408.**
- Schaeffer, Nathan C., State superintendent of schools, 191.**
- Schedule: an appendix to a law or constitution, setting forth the manner of putting the same into effect.**
- School directors, 51; women eligible, 51; elect a county or city superintendent, 51, 61; composition of school board, 193; annual reports by, 195.**
- School superintendents, how chosen, 78; women may be, 79; salary of, 195; no school lands, 325.**
- Schools, public, cost in Pennsylvania, 200; limitation of tax rate, 51; of Philadelphia now under general system, 65; number of, 196; expenditures for, 196; value of property, 197; free text-books, 197; compulsory attendance, 199; high schools, 200; local government, 362; education of Eskimos, 381.**
- Scotch-Irish, where settled, 398.**
- Scranton, a city of the second class, 65; superior court sits at, 133.**
- Seaports, Congress cannot show preference, 270.**
- Searches, illegal, forbidden, 219.**
- Search warrant: a paper legally issued to a constable, authorizing a search of a house, or other place, for goods or persons, 219, 339.**
- Secession, defined, 349, 428; other facts concerning, 349, 433, 434.**
- Secretary of Agriculture, 286, 301.**
- Secretary of Commerce and Labor, 286, 301.**
- Secretary of State, first of the Cabinet in succession to the Presidency, 286; duties of, 294; keeper of the Great Seal, 294; head of the diplomatic and consular service, 294, 302.**
- Secretary of the Commonwealth, duties of, 101; keeper of the great seal of the State, 102, 106; a member of the board of pardons, 113.**
- Secretary of the Interior, 286, 300.**
- Secretary of the Navy, 286, 299.**
- Secretary of the Treasury, 286, 294, 295.**
- Secretary of War, 286, 296.**
- Security of person and home, 339.**
- Securities: an evidence of debt or of property, as a government bond. This is a substitute for money, and shows that the holder is entitled to money from the government.**
- Senate of Pennsylvania, 85-96; eligibility, 86; election, 86; salary of members, 87; confirms the Governor's appointments, 93; tries cases of impeachment, 93.**
- Senate of the United States, how constituted, 234; equality of representa-**

- tion of States, 235; number of Senators, 235; qualifications, election, and classes of Senators, 235; officers of, 236; compensation of Senators, 238; sole power to try impeachments, 238; members of, not civil officers, 239; relation to revenue bills, 239; regular and special sessions of, 241; quorum, rules, journal, contests, expulsions, 242; votes for President and Vice President counted in presence of, 281, 410; when the Vice President is chosen by, 283; ratification of treaties and confirmation of appointments by, 289; committees in, 389.
- Sentence, the,** 124.
- Sessions, of the General Assembly,** 86; special, 86; executive, of senate, 99; of Congress, 240; executive, of U. S. Senate, 241.
- Shanghai, boycott,** 422.
- Shaw, Col. Robert G.,** 436.
- Sheriff, duties,** 73, 74; the Federal, 316.
- Sherman Act, the,** 393.
- Shire-mot, a county meeting,** 349.
- Silver certificates,** 253.
- Silver coinage,** 392, 393, 395.
- Sine die: "Without a day."** At the end of session, a legislature adjourns *sine die*; that is, without naming a day for reassembling.
- Single tax, defined,** 379, 380.
- Sinking fund:** a fund composed of sums of money set apart and invested usually at stated intervals, for the redemption of the debt of a government or corporation.
- Slavery, effort against,** 215; claims for slaves, 251; foreign slave trade prohibited, 267; Emancipation Proclamation, 344; effect of the amendments, 347; text of the Wilmot Proviso, 431; abolished in the District of Columbia, 433.
- Smithsonian Institution,** 308.
- Society, defined,** 12.
- Soldiers, quartered on the people,** 221, 339.
- Sole:** exclusive; only; being or acting without another.
- Solicitor, city,** 61; county, 78.
- Solicitor-General,** 297.
- South Carolina, did not prohibit foreign slave trade,** 264; two sets of Electors in, 284; desires amendments, 336; influence of the Pinckneys, 439; State dispensaries in, 344.
- Sovereign power,** 71, 165.
- Speaker of the house of representatives in Pennsylvania,** 89, 91.
- Speaker of the National House of Representatives,** 232; chosen by the House, 232; importance of, 232; relation to committees, 243; no longer chairman of Committee on Rules, 243; power of, 386.
- Special legislation forbidden,** 90.
- Speech, freedom of,** 18, 338.
- Specific duties,** 249.
- Spoils system,** 304, 414.
- Staff, Governor's chief of,** 108; general, of U. S. army, 258, 296.
- Standards of Value,** 393.
- Standing army,** 221, 258.
- State:** the body politic; the nation; the whole body of people who are united under one government. One of the commonwealths which make up the Union. The term *State* is used in a technical sense in distinction from the government of the United States. Every State has the following political features:—a republican form of government; a written constitution; the three great departments of government; a legislature consisting of two houses; an executive called the governor and elected by the people; must conform to the United States Constitution; may remove high officials by the process of impeachment; supports a system of public schools; provides for the amendment of its State constitution; provides for local self-government; and recognizes the *common law* of England (Louisiana excepted).
- State, a citizen of the,** 18, 154, 252; the "Keystone," 23-30; Pennsylvania, boundaries of, 25; government of, 82-84; debt of, 83; has had four constitutions, 83; the constitution, 83; apportionment of the, 85, 93; conven-

- tions, 160; right of eminent domain, 179; banking laws, 180; the first constitution, 214; second and third constitutions, 215; the constitution of 1873, 215; one of the original States, 216; State governments as models, 225; scope of power, 225; powers denied to, 271; admission of a new, 323; cannot be sued in Federal courts by individuals, 343.
- State banks**, 179.
- State church**, 338.
- State conventions**, 162, 279.
- State constitutions**, 212-216.
- State governments**, 225, 327.
- Statehood**, how secured, 327, 419, 420.
- State librarian**, 109.
- State treasurer**, 105.
- Statute**: an Act of Congress or of a State Legislature, declaring, commanding, or prohibiting something; a positive law; distinguished from common law, and from constitutional law.
- Stevens, Thaddeus**, 378.
- St. Gaudens, Augustus, and Shaw Memorial**, 437.
- Stoddert, Benjamin**, 441.
- Street railways**, 184.
- Strict construction**, 263.
- Strikes**, the Chicago, 327, 416, 417.
- Succession**, order of, 100, 238, 286, 440.
- Suffrage**, right of, 141.
- Suicides**, estates of, 221.
- Suit**: legal application to a court for justice; any legal proceeding before a court for the enforcement of a claim; a lawsuit, 314, 341.
- Sulu Islands**, 324.
- Summons**: a written notice, signed by the proper officer, warning a person as defendant to appear in court at a day specified, to answer to the plaintiff, or the like.
- Superintendent**, of city schools, 61; of county schools, 78, 79, 195; of Public Printing, 110; of Public Buildings and Grounds, 110; of State Police, 116.
- Superintendent of Public Instruction**, State, 103, 113, 114, 115, 204.
- Superintendent of Coast Survey**, 302.
- Superior court**, of State, 132.
- Supervising principals**, 207.
- Supervisors**, duties of, 48, 53.
- Supreme court**, of Pennsylvania, 133.
- Supreme Court of the United States**, 227, 312, 314.
- Surrogates' or orphans' court**, 76, 136, 370.
- Surveyor**, county, 78.
- Swayne, Judge Charles**, 239.
- "Sweeping clause," the**, 262.
- Swedes on the Delaware**, 31.
- Switzerland**, referendum in, 374, 375.
- Takahira, Baron Kogoro**, 415.
- Taney, Roger B.**, decision by, 429.
- Tariff**, defined, 249; revenue-tariff defined, 249; protective, defined, 249; free trade defined, 249.
- Taxes**, defined, 165; relation to voting, 142; direct and indirect, 166; State, 168; county, 169; township, 169; borough and city, 170; school, 171; how collected, 140, 167, 168, 171; capitation and income, 269; the single, 379; income tax, 442.
- Taylor, Zachary**, 284, 285, 414.
- Teachers' certificates**, how granted, 202 203.
- Telegraph lines**, how controlled, 179.
- Tener, Governor John K.**, 153, 366.
- "Tenth" the "Fighting,"** 436.
- Territorial Courts**, 317.
- Territories**, 323, 324, 326, 327.
- Test**, religious, cannot be required, 330.
- Texas**, annexed as a State, 251; whole-sale naturalization in, 251.
- Tilden, Samuel J.**, decision regarding election of, 285; plurality for, 372.
- Titles**: Every member of Congress is addressed as "Honorable"; and if the address is written, the house to which the member belongs is indicated by the letters M. C. or U. S. S. placed after the name of the Representative or Senator respectively.
- Titles of nobility**, 222, 271.
- Tonnage tax**, 271.
- Towns in New England**, 41.
- Townships**, elemental units, 40, 45; officers of, 45, 46; classes of, 46; clerk of,

- 50; duties of county commissioners regarding, 53.
- Training of teachers, 196, 206.
- Traverse or petit jury, 121.
- Treason defined, 318.
- Treasurer, borough, 55; city, 60; county, 77; State, 105.
- Treasury of the United States, 253, 270.
- Treasury, Secretary of the, order of succession, 286; other facts concerning, 294, 296.
- Treaty: an agreement or contract between two or more nations, for the purpose of regulating trade, co-operating effectively, fixing boundaries, or restoring and preserving peace, 271, 289, 330.
- Trial by jury, right of, 118, 119.
- Tribe, 11; tribal relations, 346.
- Truants, 199.
- True bill, defined, 120.
- Trusts, defined, 389; regulation of, 182, 380, 390.
- Tutuila, under a governor, 324.
- Tyler, John, 285, 402.
- Unconstitutional: not in accordance with the Constitution or fundamental law of the land. Used also in the same sense concerning the constitution of a State.
- "Understanding clause," the, 434.
- Union: a term used to designate the Republic,—the Nation as formed by a union of all the States. The continuance of the Union is essential to the growth and prosperity of the Republic.
- Union of Church and State forbidden, 338.
- United States, Constitution of, 220, 226, 328, 330, 333; a Banded-State, 226; outline of Government of, 227; legislative power in, 227-273; executive power in, 274-309; judicial power in, 210-320; powers delegated to, 248, 262, 409; bonds of, 250, 253; debt of, 250; coinage in, 252, 292, 391, 395; relations of the States, 321; manufactures in, 324; adoption of Constitution of, 333; great departments of the Government, 333; abolition of slavery in, 344; an indestructible Union, 348; organization of Government of, 352; public credit, 390; receipts and expenditures, 391; amount of money in, 391; relation to immigration, 398; "Monroe Doctrine," 402; increasing territorially, 402; a world power, 403; commissioners, 425; Panama Canal, 427; location of Capital, 440.
- University of Pennsylvania, 210.
- Utah, labor laws in, 417.
- Vacancies in office, 99, 100, 232, 236, 289.
- Valparaiso, incident concerning, 408.
- Venue: the place or county where an action at law is begun. The twelve men who are to try the case must be of the same *venue* where the demand is made.
- Verdict, defined, 119.
- Veto, literally, "I forbid." The power of the chief executive to prevent the enactment of measures passed by the legislative body; the exercise of such power. The veto prevents a bill from becoming a law on its first passage. Power exercised by Governor, 92, 93, 100, 101, 102, 366; of bills by the President, 243, 290; a "pocket veto," 244.
- Vice President, is President of the Senate, 236; may vote, when, 236; salary of, 287; may be impeached, 239; qualifications and term of office, 275, 276; opens the sealed certificates, 281, 410; when chosen by Senate, 283; succession to the Presidency, 285; inaugural oath of, 287; office of, 443.
- Villages, unincorporated, 55.
- Virginia, 25, 41; divided during Civil War, 323; plan proposed by delegates from, 331; its bill of rights, 336, 337; cession by, 440; "ex-soldier clause" in, 434; ratifies the Constitution, 439.
- Viva voce: By word of mouth; orally. *Viva voce* voting is a method opposed to balloting, and is employed in legislative bodies, the presiding officer deciding the vote by sound.

Vocational schools, value of, 209, 210.

Vote, concurrent, 344.

Voters, qualifications of, 141; other facts concerning, 142, 143, 149, 151, 252.

Voting, manner of, 142, 143, 146, 147, 149, 151; right must not be denied, 141, 346, 347, 357.

Voting machine: an invention which registers automatically each vote as cast, prevents the depositing of more than one ballot by any one person, keeps tally of the number of votes cast, and to a great degree prevents fraud and delay in counting the votes at the close of the election, 223.

Wade, Jennie, at Gettysburg, 360.

Waller, David J., Jr., State superintendent of schools, 191.

War, Congress only, can declare, 257; Secretary of, 296.

Warrant: a process issued by a magistrate directing an officer to make an arrest, a seizure, or a search, or to do other acts in the administration of justice, 339.

Washington City, government of, 365; site selected, 440.

Washington, George, sets example regarding third term, 276; president of Convention of 1787, 352; selects site of National capital, 440; words of, 440.

Ways and means, committee of, 387.

Weather Bureau, 301.

Weaver, James B., votes for, 280, 372.

Webster, Daniel, appeals famous case, 272; forbids occupation of Hawaii, 404; words of concerning English power, 409.

Weights and Measures, 254.

West Point, military academy at, 297; cadets at, 297, 405.

West Virginia, admission of, 323.

White House, 287.

Wickersham, James P., establishes the State normal school at Millersville, 190.

Williamsport, superior court sits at, 183.

Will: the written instrument, legally executed, by which a man makes dis-

position of his property, to take effect after his death. A will to be valid must be made by a person of sound mind, and must be executed and published in due form of law. In certain cases, a man may make a valid will by word of mouth. A person who dies without executing a valid will is said to die intestate.

Wills, register of, 75.

Wilmot, David, tomb of, 431.

Wilson, James, 352, 438.

Witnesses, 123, 340, 341.

Women, eligible to certain offices, 51, 79.

Works, department of public, in cities, 66.

Writ: an instrument in writing issued under seal by the proper authority, commanding the performance or non-performance of some act by the persons to whom it is directed. A writ of *certiorari* is one issued by a superior court to call up the records of an inferior court, or to remove a case to a higher court in order that the party complaining may have more sure and speedy justice, or may secure a thoroughly impartial trial. A writ of *election* is one issued by the Governor to the sheriff, authorizing him to give notice to the voters of a certain district. A writ of *error* is one issued from a higher court to a lower court to examine the record of a case, in order that some alleged error in the proceedings or judgment of the court may be corrected. See also Execution, Habeas corpus, Injunction, Mandamus, Summons, and the like.

Wyoming, educational qualification required of voters in, 347, 434; rights of labor in, 417.

Yeas and Nays: a method of voting in which the clerk calls the roll, and records each man's vote after the name; as "yea," "nay," and in certain cases, "absent" or "not voting." The entering of the yeas and nays upon the Journal "puts a man on the record," and the public may know how the representatives voted on such

questions. When a vetoed bill is put upon its passage, the Constitution expressly requires that the vote be taken by yeas and nays. The House of Representatives votes by ballot

when it elects the President. The Senate rules recognize no vote except by yeas and nays, 242.

Yorktown, the, at Valparaiso, 408.

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